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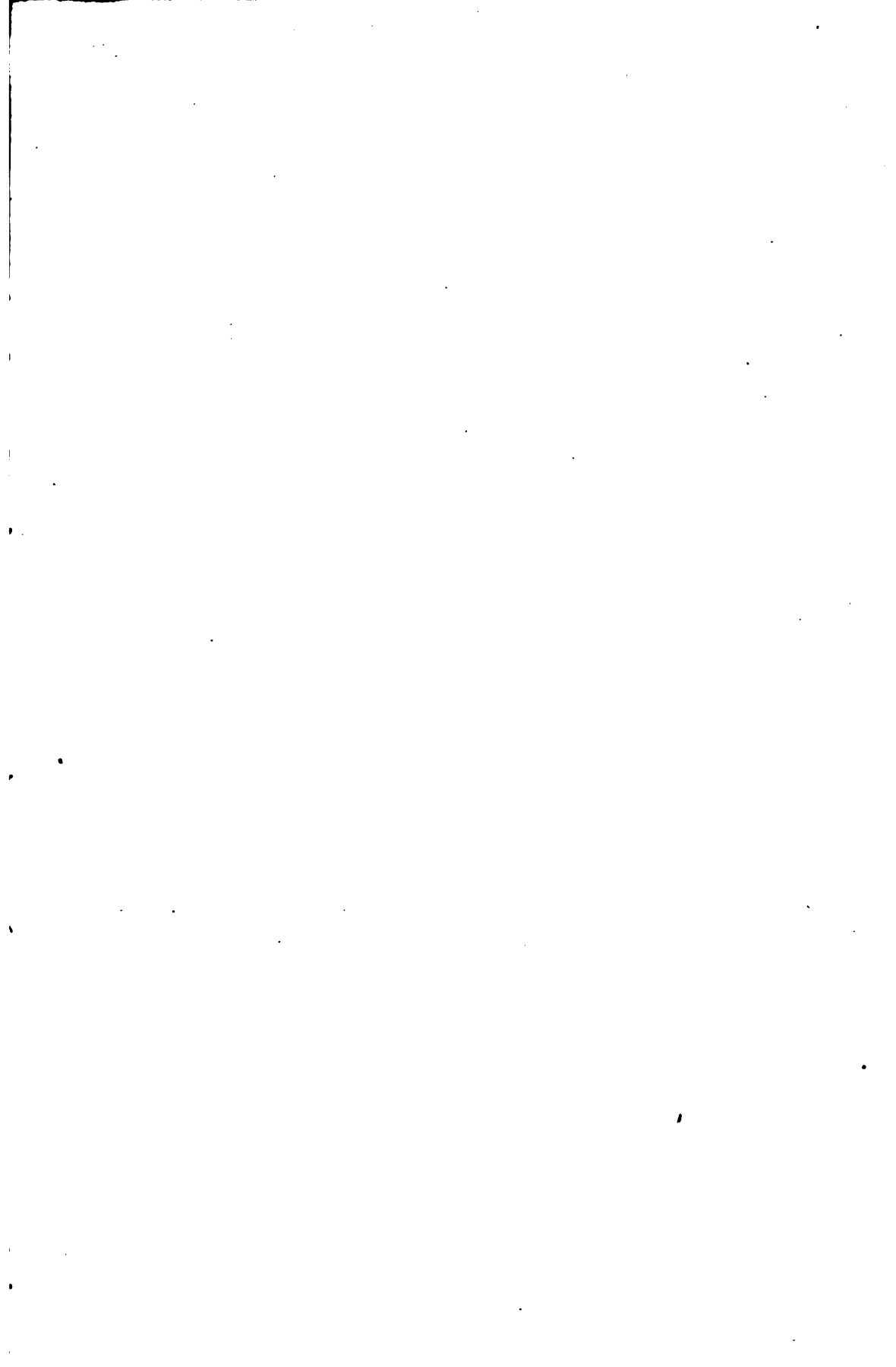
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THE
STATUTES AT LARGE

OF

SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE LEGISLATURE.

BY

DAVID J. McCORD.



VOLUME THE NINTH,

SPENCER LIBRARY

CONTAINING THE ACTS RELATING TO ROADS, BRIDGES AND FERRIES,

WITH AN APPENDIX,

CONTAINING THE MILITIA ACTS PRIOR TO 1794.



COLUMBIA, S. C.
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STATUTES AT LARGE.

ACTS RELATING TO ROADS, BRIDGES AND FERRIES.

A CONTINUING AND ADDITIONAL ACT TO AN ADDITIONAL ACT FOR No. 214. MAKING AND MENDING HIGHWAYS.

WHEREAS, the Act entitled "An Additional Act for the mending of highways, &c.," ratified in open Assembly the third day of February, 1702, is near expiring.

1. *Be it therefore enacted*, by his Excellency John Granville, Esqr., Palatine, and the rest of the true and absolute lords and proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South-west part of this Province, That the said Act, and every thing therein contained, be, and is hereby, continued to be and remain in full force, for and during the term of three years after the ratification hereof, and no longer. Act of 1702 continued.

II. And for the better encouragement to settle inland plantations, and for the commodity of persons which are already settled inland, *Be it enacted*, That the commissioners, or the major part of them, in every division appointed, or to be appointed by an Act entitled "An Act for the making and mending of high-ways, &c." shall have power, and they are hereby empowered, in their respective divisions, at the request and instance of any person which is already settled, or shall hereafter settle inland, to lay out, and cause to be marked or staked, for a convenient landing for the person at whose request the same is laid out; which road or highway laid out as aforesaid, shall be made at the cost of the person or persons for whom it is laid out, and shall be forever after a common road, as other roads laid out by virtue of the aforesaid Act are appointed to be. Commissioners, how to lay out new roads.

III. *And be it further enacted*, That every person which shall stop, molest, hinder, or disturb the commissioners in laying out the road aforesaid, or which after the road is laid, shall hinder persons to make use of, or shall prejudice or spoil the same, shall forfeit the sum of one hundred pounds; to be recovered by bill, plaint, or information, in any court of record within this part of the Province; one moiety thereof to be paid into

There are a few Road Acts previous to this date, but so faded and mutilated as to be illegible.

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the hands of the receiver for the use of the public, and the other half part, to him or them that shall sue for the same; wherein no protection or wager of law shall be allowed or admitted.

*Read three times and ratified in open Assembly,
the seventeenth day of September, 1703.*

N. JOHNSON,
THO. BROUGHTON.
JAS. MOORE,
ROBT. GIBBES,
NICHOLAS TROTT,
HENRY NOBLE.

Repealed by Act of 1721.

No. 218. AN ACT FOR THE CUTTING AND MAKING A PATH OUT FROM THE ROAD ON THE NORTH SIDE OF ASHLEY RIVER, TO THE TOWN OF WILTON IN COLLETON COUNTY; AND APPOINTING FERRIES IN THE SAID ROAD.

Preamble. WHEREAS, the remoteness and great distance from Charlestowne, of many of the southern inhabitants of this Colony, is a great hindrance to the speedy uniting our forces on any emergent occasion, as well as a considerable interruption to business and commerce; and *whereas*, some of the members of Colleton County have informed the Commons, now met at Charlestowne, that several of the inhabitants of that county and others, are willing, at their owne proper costs, labour and charges, to make one common road and highway out of the broad path on the north side of Ashley river, through the plantation of William Williams, to Stony Point; and are also willing, at their own proper costs, labour and charges, to make one other common road or path, from the plantation of Thomas Rose, planter, on the South-west side of Ashley river, to the town in Colleton County called Wilton; which will much conduce to the speedy conjunction of our forces on all occasions, and the speedy communicating and carrying on of alarms in this time of war.

Roads to be cut
out from north
side of Ashley
river to Wilton
and Stony
Point.

I. *Be it therefore enacted*, by his Excellency John Granville, Esquire, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestowne for the South-west part of this Province, and it is enacted by the authority of the same, That with all convenient speed, after the ratification of this Act, there be laid out, made, mended, and kept clear, one common road or highway, out of the broad path on the north side of Ashley river, through the plantation of William Williams, to Stony Point; and also, from the plantation of Thomas Rose, planter, on the South-west side of Ashley river, to the town in Colleton County, called Wilton. Which several paths are to be laid out by the advice and direction of the commissioners hereafter named.

II. *And be it further enacted* by the authority aforesaid, That the commissioners in this Act hereafter nominated and appointed, are hereby fully

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impowered to direct and appoint the keeping of a Ferry for the transportation of man and horse, to and from the plantation of Thomas Rose, planter, to Stony Point; and the said commissioners are hereby further impowered to appoint the keeping of such other ferries on the said roads, as they, or any three of them, shall think proper and necessary. Ferry to be established at Stony Point.

III. *And be it further enacted* by the authority aforesaid, That each master, owner, or manager of such Ferry, shall, for the transportation of each passenger, take one royall, and for the passage of man and horse, one royall and a half, and no more. Tolls.

IV. *And be it also enacted* by the authority aforesaid, That William Elliott, John Cattle, Thomas Elliott, John Reamer, and James Cockrham, or any three of them, be, and are hereby, nominated and appointed the commissioners mentioned in this Act, to make choice of and direct the laying out, making, mending, and keeping clear, the several roads and paths before mentioned; as also, for the appointing the several Ferries, in such parts and places in the said paths, as they, or any three of them, in their discretion shall think fit. Commissioners appointed.

V. *And be it further enacted*, That every person which shall stop, molest, hinder, or disturb the commissioners in laying out the paths aforesaid, or which shall, after the paths are laid out, hinder persons to make use of, or that shall prejudice or spoil the same, shall forfeit the sume of ten pounds; to be recovered by bill, plaint or information, in any court of record within this part of the Province; one moiety thereof to be paid into the hands of the receiver for the use of the publick, and the other half part, to him or them that shall sue for the same, wherein no protection or wager of law shall be allowed or admitted. *Provided always*, and it is hereby enacted, That all ferries appointed by virtue of this Act, shall, in time of alarms, be free to all persons that pass the said ferrys, any thing in this Act to the contrary notwithstanding. Penalty for obstructing the roads.

*Read three times, and Ratified in open Assembly,
the three and twentieth day of December, 1703.*

N. JOHNSON,
THOS. BROUGHTON,
NICHOLAS TROTT,
JOS. MORTON,
ROBT. GIBBES.
HENRY NOBLE.

Repealed by Act of 1721.

AN ACT FOR THE MAKEING AND MENDING OF ROADS AND HIGHWAYS, No. 243.
AND FOR THE MAKING A BRIDGE OVER ECHAW CREEK, IN CRAVEN COUNTY.

WHEREAS, the want of a convenient road, highway and bridge over the creek commonly called Echaw Creek, in Craven county, doth greatly incommode most of the inhabitants of the said county, upon all occasions of rendezvous, and also upon their joining themselves together on the Lord's day, commonly called Sunday, for the public service and worship of God: for the future prevention thereof; Preamble.

A. D. 1705.

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I. Be it enacted, by his Excellency John Lord Granville, Palatine, and the rest of the true and absolute lords and proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown, for the South-west part of this Province, and it is enacted by the authority of the same, That with all convenient speed, after the ratification of this Act, at the equal charges and labor of all male persons above the age of sixteen years, inhabiting or belonging to Craven county, from the plantation of Philip Gendron, inclusive, to the plantation of Mr. John Hartman, inclusive, shall be made, mended and kept clear, one common road or highway, sixteen foot wide, from the plantation of the said Philip Gendron, inclusive, to the plantation of Daniel Huger, inclusive; and that the commissioners herein hereafter nominated and appointed, do make, or cause to be made, one good, substantial and sufficient bridge over the said Echaw creek, in some convenient place where they shall think most fit and convenient, sufficient for the passing of horses and cattle, and that the same be so kept and maintained; and Mr. John Peter Pelet, Mr. James Legrand, of Longbois, Peter Robert, jr., Alexander Thezee Chastaigner, and Mr. Rene Ravenell, or any three of them, are appointed commissioners for the said work; and that they, or any three of them, have power, and they are hereby empowered, to appoint such and so many overseers as they shall think fit, under them, to manage, direct and oversee the persons employed in accomplishing the works aforesaid.

Road to be laid out from Gendron's plantation to Huger's.

Bridge over Echaw creek.

Commissioners appointed.

II. And be it further enacted by the authority aforesaid, That every free man appointed to work at making and mending the said roads, highways and bridges, aforesaid, which shall refuse or neglect to work at the said roads, highways and bridges, or in his stead to send an able servant or slave, at such time and so many days, with provision and such tools as by the commissioners, or any three of them, shall be appointed, shall, for every day he shall so neglect or refuse, forfeit five shillings; and that every master or overseer of any servants or slaves which are hereby ordered to work at the making and mending the said road, highway and bridge, which shall neglect to send his servants or slaves to work at the said road, highway and bridge, with provisions and such tools, and at such time as shall be ordered by the commissioners, or any three of them, shall, for each servant or slave neglected to be sent as aforesaid, forfeit five shillings for every day; and all the forfeitures made by this Act shall be levied by a warrant of distress under the hands and seals of any three of the commissioners, by any constable to whom the same shall be directed, upon the goods and chattels of the person forfeiting, and shall be disposed of by any three of the commissioners, in hiring able men to work at the road, highway and bridge, as aforesaid.

Penalty for not working.

III. And be it further enacted by the authority aforesaid, That every free man which shall go to work at the said road, highway and bridge, which shall refuse to do such work as by the overseer of the said work he shall be directed to do, shall forfeit five shillings; and every servant and slave which shall refuse to do such work at the said road, highway and bridge, as he shall be directed to do by the overseers of the said work, shall by him be moderately corrected; and every master or overseer of any servants or slaves, and every free man, shall have at least three days notice before he shall go or send to work at the said road, highway and bridge; and the labor or charge of the said road, highway and bridge, shall be equally borne and done according to and in proportion to the number of male persons,

For disobeying orders.

Notice.

The work to be done proportionably.

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every person appointed to do the same bearing an equal share, as near as the commissioners can possibly compute. *Provided, nevertheless*, that any person to be employed in making and mending the said road, highway and bridge, instead of his personal labor or the labor of any servant or slave, may pay ^{May make} to the commissioners, or their overseers, two shillings and sixpence for ever-^{commutation.} ry day he or his servant or slave is ordered to work at the making of the said road, highway and bridge, which money shall be laid out on the said work, respectively; *Provided*, the same be paid before the time he is appointed to work, or to send to work; any thing in this Act contained to the contrary notwithstanding.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners appointed as aforesaid, or any three of them, shall cause the said road and highway to be grubbed by the persons within mentioned; and all persons then neglecting or refusing, are hereby made liable to the same fines and forfeitures as before enacted to be levied and disposed of as aforesaid by this Act is ordained.

V. And that the road, highway and bridge, as aforesaid, may be made as short and with as much ease and conveniency as possibly may be, *Be it* ^{Powers of} *enacted* by the authority aforesaid, That the commissioners, or any three ^{Commission-} of them, appointed as aforesaid, shall have power, and they are hereby empowered, to cut, direct and make the aforesaid road, highway and bridge, in or through any land already run out, or to be run out, and to make use of any timber, wood, brush or earth, which they or the overseers shall think needful for the accomplishment of the work aforesaid.

VI. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners shall happen to die or go off from this Province, ^{Vacancies,} or shall refuse or neglect to do his duty, as is by this Act required, that ^{how to be} then the Right Honorable the Governor, or the Governor for the time being, is hereby authorized and empowered to nominate and appoint such other person or persons as he shall think fit, to be commissioner or commissioners in the stead and place of him or them so deceased, or gone off, or neglect or refuse his duty as aforesaid; which said commissioner or commissioners, so nominated and appointed by the Governor, as aforesaid, shall have all the powers and authorities as if they were nominated and appointed by this Act.

VII. *Provided always, and it is hereby enacted*, That if the commissioners, ^{Commissioners} or the major part of them, shall think fit and most convenient, to hire out ^{may hire out} the building of the said bridge, or cutting of the said path, to any person or ^{the work.} persons who shall be willing and able to undertake the same, that it shall and may be lawful then for them so to do, and for payment of the sum of money which they shall agree and contract for, to assess and levy the same, on equal assessment, on all the persons which are by this Act made liable to work on the building of the said bridge, and cutting of the said path. *Provided, always*, that if the sum required and wanted for building of the said bridge, and cutting of the said path, exceed sixty pounds, that then the overplus of the said sum shall be laid and levied upon the inhabitants of the ^{Who may be} said county which live over the said creek, on the eastern side, together as ^{assessed.} on such persons who live on the western side of the said creek, who petitioned and requested the building of such bridge and cutting such path; and the inhabitants of the western side of the said creek, who have not petitioned for the same, shall not, nor are not, made liable to bear any part of the overplus of the said sum of sixty pounds; any thing in this Act to the contrary in any wise notwithstanding.

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VIII. *And it is further enacted and declared*, That the commissioners here named, or any three of them, shall have and use the same powers for recovering of the money by them assessed, in case they hire out the building of the said bridge, or cutting of the said path, as by this Act is directed and required to be used upon such persons as shall refuse or neglect to send or come to the said work, according to the directions of this Act.

Read three times, and ratified in open Assembly, February the 17th, 1704—5.

N. JOHNSON.
JA. MOORE.
NICHOLAS TROTT.
ROBT. GIBBES.
HENRY NOBLE.

Repealed by Act of 1721.

- No. 246. AN ADDITIONAL ACT FOR THE MAKING OF HIGHWAYS, AND FOR APPOINTING A FERRY OVER THE WESTERN BRANCH OF COOPER RIVER; AND FOR CONTINUING THE ACT FOR KILLING BEASTS OF PREY.

Preamble. WHEREAS, the want of convenient ferries and roads upon all occasions, hath much prevented the uniting of her Majestie's forces in the defence of this colony; and forasmuch as the inhabitants of the eastern and western branches of the T of Cooper river, are willing, at their own proper cost and charge, to make a ferry at the plantation of Mr. James Childs, commonly known by the name of the Strawberry Plantation; and also, to make and clear one common high-way and road, directly from Capt. Peter Colleton's Baronny, to that place the ferry shall lie at; and also, from the west side of the western branch of the T of Cooper river over against the Strawberry Plantation, or such other place, into the common way or high road, lying on the north-west side of the said branch of the river; therefore, for the speedy conjunctions of our forces in this time of war, as well as for the conveniency of the said inhabitants for all other occasions to resort to Charleston.—

A road to be made from Strawberry Ferry to Colleton's Baronny, and a road on the other side of the Ferry, to the high road.

I. *Be it therefore enacted*, by his Excellency John Lord Granville, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South-west part of this Province, and it is *enacted* by the authority of the same, That with all convenient speed, after the ratification hereof, at the equal charge and labor of all male persons above the age of sixteen years, inhabiting on the east side of the western branch of the T of the said river, from the plantation of Elias Ball, inclusive, to the plantation of Landgrave Colleton, commonly called Wattboe, exclusive, and on the west and east side of the eastern branch of the T of the said river, to the plantation of Mr. Peter Jedeau, inclusive, shall be made, mended and kept clear, one common road or highway, from the said Captain Peter Colleton's Baronny, to the place the ferry shall lie at; and also, from the north-west side of the western

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branch of the T of Cooper river, over against the said Strawberry Plantation, or thereabouts, as the commissioners shall direct, into the common road or high-way, lying on the north-west side of the said branch of the said river; and that John Ashby, Peter Jacob Guerard, Esquire, Mr. Jas. Child, Mr. Elias Ball, and Mr. Thomas Hubbard, or any three of them, be, and are hereby declared, commissioners for the making, mending and keeping clear, the said common roads or high-ways.

Commissioners

II. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid, or any three of them, are hereby empowered to direct and appoint the keeping of a ferry for the transportation of man and horse, to and from the said Strawberry Plantation, or to such other place as the commissioners shall think fit, or to such place as they shall appoint the common highway to be made and cleared, from the common road lying on the north and west side of the western branch of Cooper river, over against the said Strawberry Plantation, or to such other place on the said branch, as they, or any three of them, shall think fit.

Strawberry
Ferry esta-
blished.

III. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid, or any three of them, are hereby empowered, by a warrant under their hands and seals, to appoint such master or manager of the said ferry, and him so appointed, shall, for the transportation of each passenger, take and demand, as he and the commissioners above named shall agree, not exceeding one royal, and no more; and for the passage of one passenger and horse, as he and the commissioners above named shall agree, not exceeding two royals; and he the said manager so appointed, shall keep in repair the said ferry at his own proper cost and charge, and shall give constant attendance, day and night, upon call; and shall, at the discretion of the said commissioners, or the major part of them, be turned out and displaced.

Toll.

IV. *And forasmuch* as a common road or highway is necessary to be made for the inhabitants of Goose Creek, living within land from the house of Abraham Dupont, into the high-way or common that leads to Charleston; *Be it therefore enacted* by the authority aforesaid, That the said common road or high-way, shall, with all convenient speed, be made, mended and kept clear, at the equal charge and labor of all male persons above the age of sixteen years, inhabiting within land on the branches of the said creek, from the plantation of Mr. Abraham Dupont, inclusive, to the plantation of Mr. Benjamin Marion, inclusive; and that Abraham Henry de la Plain, John Stone, and Benjamin Marion, or any two of them, be commissioners for making, mending, and keeping clear, the said road or high-way; and the inhabitants aforesaid are hereby discharged for two years, and no longer, from mending, clearing, and repairing the road or high-way, from Turkey Creek to the plantation of Thomas Baker; *provided*, and it is hereby intended, that the said inhabitants aforesaid, be not discharged from their quota or proportion in building and repairing the bridge over Goose Creek already now agreed for repairing and building the same; any thing in this Act contained to the contrary notwithstanding.

Road from Du-
pont's to Mari-
on's, laid out.

Commissioners

Bridge over
Goose Creek.

V. *And be it further enacted* by the authority aforesaid, That the commissioners herein nominated and appointed, and the persons herein commanded to work on the said road, shall have the same powers, and under the same restrictions, fines and forfeitures, to be levied and disposed of to the same use, and in the same manner and form, as the forfeitures in the Act for making and mending high-ways and paths, and for cutting of creeks and water courses, are appointed.

Power of Com-
missioners.

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and assess.

VI. *And be it further enacted*, That the major part of the commissioners hereby appointed, shall have power, in their respective divisions, and are hereby empowered, to agree with any one or more persons, to make, mend, and keep clear the said highways, and build the said ferry; and monies so agreed upon shall be equally taxed by the said commissioners, on all persons in their respective divisions, and shall, in such manner and form, be recovered and disposed of, to such use as the commissioners for making, mending and clearing the highways are, by an additional Act for the mending of high-ways, ratified in open assembly, the third day of February, 1701—2, appointed and authorized to perform.

*Read three times and ratified in open assembly,
February the 5th, 1704—5.*

N. JOHNSON,
JAS. MOORE,
NICHOLAS TROTT,
ROBT GIBBES,
HENRY NOBLE.

Repealed by Act of 1721.

No. 268. AN ADDITIONAL ACT TO A CONTINUING AND ADDITIONAL ACT TO AN ADDITIONAL ACT FOR MAKING AND MENDING HIGHWAYS, AND FOR THE IMPOWERING THE GOVERNOR FOR THE TIME BEING, TO APPOINT COMMISSIONERS IN THE ROOMS OF SUCH AS ARE DEAD OR GONE OFF, OR MAY DIE OR GO OFF; AND TO ASCERTAIN THE WATCH IN CHARLESTOWN.

Preamble. WHEREAS, the highways formerly laid out, stand greatly in need of mending, and other convenient roads and highways to be made, for the better uniting her Majesty's forces, and for the readyer communications on all occasions.

Governor to fill
vacancies
among com-
missioners of
roads.

I. *Be it therefore enacted*, by his Excellency John Lord Granville, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South-west part of this Province, That the Right Honorable Sir Nathaniel Johnson, Knt. Governor, or the Governor for the time being, have the same power to nominate and appoint such and so many commissioners, in the room of such as are dead or gone off, or may die or go off, for the making and mending of highways, as the Honorable James Moore, Esquire, deceased, had, by an Act entitled "An additional Act for the mending of Highways," ratified in open Assembly, the third day of February, 1701—2.

Road to be
made from
Daniell's to
Smith's.

II. *Be it enacted* by the authority aforesaid, That with all convenient speed, after the ratification of this Act, at the equal charge and labour of all the male persons above the age of sixteen years and under sixty, inhabiting upon the west side of Wandow river, from the plantation of Capt. Robert Daniell, inclusive, to the plantation of Andrew Warnock, and from thence to the plantation of George Smith, Sen., inclusive; as also, at the

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equal charge and labour of all male persons above the age of sixteen, and under sixty, inhabiting upon the east side of Cooper river, from the plantation of Mr. Richard Codner, inclusive, to the plantation of Mr. Dennis Hayes, inclusive; and all persons as above said, inhabiting on the east side of Wando river, from the plantation of Major John Boone, inclusive, and cross the Neck to the plantation of Mr. John Abraham Motte, inclusive, on both sides of the said Neck, as high as the plantation of the Right Honorable the Governor Sir Nathaniel Johnson, on the sea coast, inclusive, be made one common road or highway, sixteen feet wide, with bridges and causways, from the house of Mr. Andrew Warnock, to the Seawee Broad Path, at the discretion of the commissioners hereafter named.

From Warnock's to Seawee Broad Path.

III. *And be it further enacted* by the authority aforesaid, That Captain Robert Daniell, Richard Berresford, Esquire, Mr. Joseph Marbeus, alias Labrosse, Mr. Dennis Kages, Major John Boone, Mr. John Abraham Motte, and Mr. Samuell Sibley, or any five of them, are hereby appointed commissioners, and are hereby authorized to appoint and direct in what ground and place the aforesaid highways shall be made, and to appoint, when, how long, and in what place, every respective person shall work and labour; *provided allways*, and it is hereby intended, that no person do more, as near as possibly can be computed, than his equal proportion of said labour; and the commissioners appointed aforesaid, are hereby empowered to appoint and chose, under themselves, so many and such overseers, as they, in their discretion, shall think needfull; and all persons herein concerned, are hereby commanded and required, within three days notice given them by the commissioners and overseers, to repair, they or so many working men in their stead, with so many days provisions, and such tools as they shall be ordered to bring with them, to the place appointed, then and there to do such labour as by the commissioners and overseers shall be directed; and if any person or persons, after notice given them as aforesaid, shall neglect or refuse to repair to the place appointed, or to do such labour, as their respective commissioners or overseers shall direct or order, the person so neglecting or refusing as aforesaid, shall, for every day he shall neglect or refuse, forfeit the sum of five shillings; to be recovered as directed by "An Act for making and mending highways, &c." ratified in open Assembly, the eighth day of October, 1698.

Commissioners

Powers.

IV. *And whereas*, it will be to the great prejudice of many persons inhabiting within the aforesaid limits, to incnd and keep clear the aforesaid highway, being obliged to keep clear other parts: *Be it therefore enacted* by the authority aforesaid, That at the equal charge and labour of all male persons above sixteen years of age, inhabiting on the west side of Wando river, from the plantation of Richard King, inclusive, to the plantation of William Ruberry, inclusive, and on the east side of said river, from the plantation of Mr. George Smith, sen., to the plantation of Mr. John Hollybush, inclusive, and so cross the Neck to the plantation lately belonging to Jacob Allen, on the sea side, and to the plantation of the Right Honorable Sir Nathaniel Johnson, Governor, inclusive, do, from time to time, as need shall require, and the commissioners hereafter named shall think fit, mend and keep clear the highway or road from Conehay Bridge, exclusive, to the plantation of Sir Nathaniel Johnson, Governor, on the sea coast; and that Mr. Joseph Marbeus, alias LaBrosse, Mr. Abraham Warnock, Mr. Robert Lewis, Mr. Daniell Macgrigery, Mr. Robert Murrell, or any three of them, are hereby appointed and authorized commissioners, for the keeping clear and mending the aforesaid highways; and

From Conehay Bridge.

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they and all other the male persons within the said bounds, are hereby excused and discharged from all labour upon any other high-way whatsoever.

V. *Be it further enacted* by the authority aforesaid, That all male persons above the age of sixteen years, and under sixty, inhabiting upon Edisto Island, shall repair and keep clear the creek commonly called Abbott's Creek, and make such paths and bridges upon the said Island, as Captain John Whitemarsh, Mr. Henry Bowers, Mr. John Kenneway, Mr. Lawrence Dennis, and Mr. Robert Seabrook, or any three of them, shall think fit.

VI. *Be it enacted* by the authority aforesaid, That with all convenient speed, at the equal charge and labour of all male persons, from sixteen years of age to sixty, inhabiting upon James's Island, from the plantation of Mrs. Hill, widow, upon the east side of Stonoe river, inclusive, be made, mended, and kept clear, one common road and highway sixteen feet wide, at the discretion of the commissioners hereafter named; and that James Witter, Captain Jonathan Drake, Mr. William Wilkins, or any two of them, be commissioners, and that they have the same powers as the commissioners have by virtue of an Act intituled "An Act for making high-ways, &c." ratified in open Assembly the eighth day of October, 1698.

VII. *Be it further enacted* by the authority aforesaid, That with all convenient speed, at the equal charge and labour of all male persons from sixteen years to sixty, inhabiting upon that part of John's Island lying between the North-east side of Bohicott creek, and Colonel Gibbes's cowpen, and so downwards, to Captain George Frost's, and upwards, to the plantation of Captain Joseph Tatnell, be made, mended and kept clear, with convenient bridges and causeways, one common road or highway sixteen feet wide, at the discretion of the commissioners hereafter named; and that Major John Fenwick, Mr. John Raven, Mr. John Wilkins, Mr. John Stanvarn, and Captain Joseph Tatnell, or any three of them, be commissioners, and that they have the same powers as any commissioners have, by virtue of an Act intituled "An Act for the making highways, &c." ratified in open Assembly the eighth day of October, 1698.

VIII. *Whereas*, the road or highway on the South side of Ashley river, might be, with more ease to the inhabitants, repaired, mended, and kept clear, if the said road were divided. *Be it therefore enacted* by the authority aforesaid, That the male persons above sixteen years of age, and under sixty, inhabiting from the plantation of Colonel Robert Gibbes, inclusive, to the Bridge over Cuppain creek, exclusive, and all the inhabitants on the South-east side of the said creek, inclusive, shall make, mend, and keep clear, the broad path from the plantation of the said Gibbes, to the said bridge, exclusive; and that Colonel Robert Gibbes, Mr. William Bull, and Mr. Samuell Jones, or any two of them, be commissioners for the doing the said work, and have the same power as the commissioners in the before recited Acts; and that all the male persons above the age of sixteen years, and under sixty, inhabiting from the said creek, inclusive, to the plantation of Mr. Thomas Elliott, inclusive, shall make, mend, and keep clear, the broad path from the bridge aforesaid, inclusive, to the plantation of the said Elliott; and that Mr. Manley Williamson, Mr. Shem Butler, and Mr. William Cattle, or any two of them, be commissioners for the doing the said work, and have the same power as the commissioners in the before recited Act.

IX. *Be it further enacted* by the authority aforesaid, That Mr. William Edwards, Mr. John Woodward, Captain Joseph Page, Mr. Edmund Dundon, Mr. Hugh Cockran, or any three of them, are hereby appointed

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commissioners for cutting such creeks and making such paths, which they shall think convenient, to the south and west of Muskeeta Creek, so far as Combahe river and the head of Ashepoo river.

X. *And be it further enacted*, That Captain Thomas Nairne, Mr. John Cochran, Mr. Alexander Mackey, Mr. Thomas Palmenter, Mr. Richard Raynolds, or any three of them, shall be commissioners for making highways, bridges, and cutting of such creeks as they shall think proper, to the Southward of Saint Helena Sound.

XI. *Whereas*, in an Act for regulating a Watch in Charlestown, ratified in open Assembly, the twelfth of July, 1707, it is therein enacted, that the whole number of men thereby appointed for watching, should be obliged to watch every night in person. *Be it hereby enacted*, That it shall and may be lawful for the commanders of the said watch, to keep their respective watches with only one half the men nominated in the said Act for watching, that so no man be obliged to watch oftener than every other night; any thing in the before recited Act contained to the contrary notwithstanding, and that this paragraph have the same limitation and continuance as the Act next above mentioned.

Watch.

*Read three times and ratified in open Assembly,
the nineteenth day of July, Anno Dom. 1707.*

N. JOHNSON,
ROBT. GIBBES,
H. NOBLE,
JAMES RISBEE,
CHAS. BURNHAM.

Repealed by Act of 1721.

AN ADDITIONAL ACT TO AN ACT ENTITLED "AN ACT FOR THE MAKING AND MENDING OF ROADS AND HIGHWAYS; AND FOR THE MAKING A BRIDGE OVER ECHAW CREEK IN CRAVEN COUNTY."

No. 273.

WHEREAS, an Act intituled "An Act for making and mending of roads and highways, and for the making a bridge over Echaw Creek in Craven County," ratified in open Assembly, the seventeenth day of February, 1704—5, and the true intent and meaning and design thereof is thought very useful and expedient, and will much conduce to the speedy conjunction of our forces on all occasions, and the speedy communicating and carrying on alarms in this time of war; but forasmuch as the said Act directs a bridge to be made over the said creek, and being found too chargeable to perform the same, and forasmuch as a ferry over the said creek will answer the ends and designs thereof, and with less charge to the said inhabitants—

Preamble.

I. *Be it therefore enacted*, by his Excellency John Lord Granville, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the Southwest part of this Province, and by the authority of the same, That the commissioners in the aforesaid Act, or any three of them, are hereby fully impowered and required, with all convenient speed, after the ratification of this Act,

Ferry over Echaw Creek.

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to direct and appoint the keeping of a ferry for the transportation of man and horse, from the plantation of Captain James LeGrand, alias Longbois, to the plantation of John Peter Pelet, or to such other place as the commissioners aforesaid, or any three of them, shall think fit.

How work to be done.

II. *And be it further enacted* by the authority aforesaid, That if the commissioners aforesaid, or the major part of them, shall think fit and convenient to hire out the making the said roads and high-ways, and build the said ferry, and for the ropes that shall be used for the same, the monies so agreed upon shall be equally taxed by the said commissioners, on all and every the said inhabitants, by an equal assessment; and shall be recovered in such manner and form as by the aforesaid Act is appointed, and to be disposed of to the use above mentioned.

III. *And be it further enacted* by the authority aforesaid, That every person which shall stop, molest, hinder, or disturb the commissioners in laying out the paths, which, by the aforesaid Act, ought to be made, or which shall, after the paths laid out, hinder persons to make use of, or that shall prejudice or spoil the same, shall forfeit the sum of ten pounds; to be recovered by bill, plaint or information, in any court of record within this part of the Province; one moiety thereof, to be paid into the hands of the public receiver for the use of the public, and the other half part, to him or them that will sue for the same; wherein no protection or wager of law shall be allowed or admitted of.

Road from Santee highway to Santee river.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners hereafter named, or any three of them, are hereby authorized and impowered to lay out an high-way sixteen feet wide, from the highway of Santee to Santee River, after such manner and form, and in such parts and places, as the commissioners hereafter named, or any three of them, shall think fit, without let or molestation by any person whatever, upon the penalty aforesaid.

Ferry on Santee.

V. *And be it further enacted* by the authority aforesaid, That whoever will, at his own proper cost and charge, build and keep in good repair, a sufficient ferry boat for the transportation of man and horse from one side of Santee river to the other, as the commissioners hereafter named, or any three of them, shall direct, shall, for the ferrying over each passenger above five years of age, take and demand one royall, and for every such passenger and horse, two royalls, and no more; and that the manager of the said ferry shall have the benefit and advantage as aforesaid, during the space and time of nine years, and no longer, to begin from the ratification of this Act.

Commissioners

VI. *And be it further enacted* by the authority aforesaid, That Mr. John Gaillard, Mr. Peter Gaillard, Mr. Henry Bruneau, Mr. John Guiball, and Mr. Rene Ravenell, or any three of them, are hereby nominated and appointed commissioners for appointing the aforesaid ferry, in the most convenient place over Santee river, and laying out a way from the broad path of Santee to the said river, with a convenient landing on the other side.

*Read three times and ratified in open Assembly,
the 28th day of November, Anno Dom. 1709.*

N. JOHNSON,
THOS. BROUGHTON,
HENRY NOBLE,
JAMES RISBEE,
CHAS. BURNHAM.

Repealed by Act of 1721.

Acts relating to Roads, Bridges and Ferries.

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AN ADDITIONAL ACT TO "AN ACT FOR MAKING AND MENDING HIGH-
WAYS AND PATHS, AND FOR CUTTING OF CREEKS AND WATER COUR-
SES."

No. 287.

WHEREAS, by an Act entitled "An Act for making and mending high-ways and paths, and for cutting of creeks and water courses," made and ratified in open Assembly at Charlestown, on the eighth day of October, Anno Domini, 1698, amongst other things therein contained, it is *enacted*, that one highway or common road of sixteen feet wide, be made, mended and kept clear, by the male persons living on Thomas's Island, and upon the north-west side of Wando river, and all persons living upon the creek which runs up the north-west side of the said island, and upon the branches thereof, through the body of the said island, and from the most convenient place of the creek which makes the same, at the discretion of the commissioners, to the house of Abraham Warnock. *And it is further enacted*, in and by the said Act, that all the high-ways or common roads thereby before appointed to be made, are thereby ordained to be kept clear of all standing or lying trees, of underwood, brush or bushes, which are to be grubbed up by the roots, and over all creeks, substantial and strong bridges to be made; and that the high-ways and water courses may be made, done and cut, at the equal charge, indifferent labour and charges of the several persons before appointed to make and do the same. *And whereas*, there are several persons who have, and may have, the use and benefit of the said road, and yet having settled plantations without the limits appointed by the said Act, are not liable to the making and reparation of the high-way aforesaid on Thomas's Island, and so to Andrew Warnock's. *And whereas*, by the order, direction and appointment of the commissioners in and by the said Act authorized, there is a good substantial wooden bridge built and made over the creek lying on the north-west side of Thomas's Island, commonly called the Wadeing Place, and no manner of provision made in and by the said Act, for the supporting, maintaining, and repairing of the said bridge, as shall, from time to time, seem reasonable and necessary to the commissioners; by means whereof, after so great charges and expenses laid out on the said bridge, the same may, in time, become of no use—for the prevention whereof,

Road on
Thomas's
Island.Road to be
kept clear and
good bridges
made.Bridge on
Thomas's
Island.

I. *Be it enacted*, by his Excellency William Earl of Craven, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south-west part of the said Province, and by the authority of the same, That all male persons, as far as the house of John Fogertie, inclusive, shall be liable, and are hereby made liable, towards the making, reparation, and mending of the highway, paths and bridges aforesaid, from the house of Colonel Robert Daniell, on Thomas's Island aforesaid, inclusive, to the house of the said Fogertie, inclusive, and towards the keeping the said bridge over the creek aforesaid, in good and sufficient repair, according to the direction of the commissioners, and under the same penalties, fines and forfeitures, as they, the said male inhabitants, are subjected and liable to, in and by the said recited Act, for their not making and mending high-ways.

Who to work
on.

II. *And be it further enacted* by the authority aforesaid, That all male persons above sixteen years of age, inhabiting on the north-east side of Canhaw Bridge, as far as the plantation of John Fogertie, inclusive, shall,

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at the equal charge and labor with the other persons hereinbefore made liable, support and keep the bridge aforesaid in repair, and make and mend the high-way aforesaid, for and during and until such time as the highway or road be made and cleared from Canhaw Bridge, to the plantation of George Smith, sen., and to the plantation of the Right Honorable Sir Nathaniel Johnson, Governor, on the sea side, and no longer.

*Read three times and ratified in open Assembly,
this 5th day of November, 1709.*

N. JOHNSON,
F. TURBERVILLE,
THOS. BROUGHTON,
THOS. SMITH,
GEO. SMITH.

Repealed by Act of 1721.

No. 304. AN ACT FOR CONTINUING THE HIGH ROAD FROM SOUTH EDISTO RIVER, TO THE ISLANDS OF PORT ROYAL AND SAINT HELENA, AND APPOINTING BRIDGES AND FERRIES IN THE SAID ROAD.

For the more easy conjunction of the forces of this colony in times of war and danger, and for conveniency of business and commerce,

Roads, Bridges
and Ferries
from St. Helena
and Port
Royal, to
Ashpoo river.

1. *Be it enacted*, by his Excellency William Lord Craven, Palatine, and the rest of the true and absolute lords and proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South-west part of this Province, and it is hereby enacted by the authority aforesaid, That with all convenient speed, after the ratification of this Act, there be laid out, made, and kept clear, one common high-way, sixteen foot wide, from the Islands of Saint Helena and Port Royal, to that part of Ashpoo River most convenient for crossing the said river in the road to Charlestown, and that the said high-road be laid out by the advice and direction of the commissioners hereafter named.

II. *And be it further enacted* by the authority aforesaid, That the commissioners hereafter nominated and appointed, are hereby fully empowered to direct and appoint the making of such causeways, bridges and ferry boats, over such rivers, creeks and marshes, in the road aforesaid, as shall to them, or any three of them, appear to be convenient for rendering the said road passable and useful to the public as may be.

Ferries.

III. *And be it further enacted* by the authority aforesaid, That each master or manager of such ferry as shall be appointed in the aforesaid road, shall, for the transportation of each passenger, take half a royal, and for each man and horse one royal, and no more.

Commissioners.

IV. *Be it also enacted* by the authority aforesaid, That Thomas Nairne, Esq., John Barnell, Esq., Mr. Henry Quintyne, Mr. Edmund Bellinger, and Mr. Thomas Townsend, be, and they are hereby nominated and appointed, commissioners for laying out, making, mending and keeping clear

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and in repair, the road, caudies, bridges and ferries aforesaid, as they, or any three of them, shall think fit.

V. *And be it enacted* by the authority aforesaid, That every person which shall molest, hinder or disturb the commissioners in performing any thing which they are empowered to do by this Act, or which shall, after the paths are laid out, hinder persons to make use of, or that shall prejudice or spoil any part of the same, shall forfeit the sum of twenty-pounds, to be recovered by bill, plaint or information, in any court of record within this part of the Province, one moiety to be paid into the hands of the receiver, for the use of the public, and the other half to him or them that shall sue for the same, wherein no protection or wager of law shall be allowed or admitted.

VI. *Provided always, and it is hereby enacted*, That all ferries appointed by virtue of this Act, shall, in time of alarms, musters and divine service, be free to all persons that pass the said ferries; any thing in this Act to the contrary notwithstanding. When persons may pass the ferries free.

VII. *And be it further enacted* by the authority aforesaid, That the sum of one hundred and fifty pounds, current money of this Province, be paid out of the treasury of this Province, and the public receiver is hereby required to pay the same into the hands of the said commissioners, or any three of them, and they, or any three of them, shall lay out the said money in building bridges, and making ferries and caudies, on the road aforesaid.

VIII. *Be it likewise enacted* by the authority aforesaid, That if any of the said sum of one hundred and fifty pounds remain unexpended in the hands of the said commissioners, after building and making bridges, ferry boats and caudies, on the road aforesaid, then the same remaining sum to be laid out by the direction of the persons above named, in clearing the most necessary parts of the road.

IX. *Be it further enacted* by the authority aforesaid, That if the above mentioned sum of one hundred and fifty pounds be deficient and fall short of making the bridges, ferry-boats, caudies, and clearing and making the high-road aforesaid, then the same to be made, performed and kept clear, by the equal charges and labor of each male white person, or their male slaves, above the age of sixteen and under sixty, living to the west, south-west or south of any part of Ashepoo river, so far as the Savannah river, exclusive.

X. *And be it further enacted*, That all parts of the high road appointed by this Act are hereby ordained to be made clear of all standing or lying trees, brush and underwood, and over all creeks and brooks, strong substantial bridges are to be made; and that the bridges, water-courses, caudies and highways be made, done, kept clear and in repair, by the equal charges and indifferent labor of the persons before appointed to make and do the same. How road to be made.

XI. *And be it further enacted* by the authority aforesaid, That a high-road, after the manner above mentioned, shall be laid out by the commissioners aforesaid, or any three of them, from the nearest side of Ashepoo river to the bridge or fittest place of South Edisto river, exclusive; and the said high-road to be made and kept in repair by all male persons above sixteen and under sixty years of age, to the west and south-west of South Edisto, as far as Ashepoo river, exclusive. Road from Ashepoo to Edisto rivers.

XII. *And it is further enacted*, That the commissioners aforesaid, or any three of them, are hereby empowered to appoint the times and places when

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missioners.

and where the aforesaid persons, or any of them, shall work; *provided, always*, that no person do more than his equal share and proportion of the said labor, as near as can be computed. And the commissioners appointed as aforesaid are hereby empowered to appoint and choose under themselves, such and so many overseers as they, in their discretion, shall think needful; and all persons concerned are hereby commanded, within three days after notice given by any of the said commissioners or overseers, to repair themselves, or so many working men in their stead, with so many days provisions, and such tools as they shall be ordered to bring with them, to the place appointed, and there do such labor as by the commissioners or overseers shall be directed; and if any person, after notice given as aforesaid, shall neglect or refuse to repair to the place appointed, and then and there to do such labor as their respective commissioners or overseers shall direct or order, the person so neglecting or refusing shall, for every day neglected or refused, forfeit the sum of five shillings; and if the person offending be a free man and have no visible estate whereon to distrain, he shall be committed to prison until he pay the fine aforesaid, together with the charges of executing the warrant.

XIII. *Be it further enacted* by the authority aforesaid, That the commissioners above named, or any two of them, shall be empowered, and are hereby ordered, to issue out a warrant, directed to a constable, to distrain the goods of any person, either for the delinquency of himself or male servants, slave or slaves, of the age aforesaid, and having appraised the same by two freeholders, to sell such distress, and therewith pay the distraining, and shall detain likewise the sum of five shillings a day, for each person absent or neglecting his duty, as aforesaid; and the overplus, if any be, shall return to the owners; and all money raised by such fines shall be applied to the use of making or mending the highways aforesaid.

XIV. That the road aforesaid be made as short and with as much ease and conveniency as possible, *Be it enacted* by the authority aforesaid, That the commissioners above named, or any three of them, shall have power, and they are hereby empowered, to cut and direct the aforesaid highways, bridges, causies and water-courses, in and through any land already granted or laid out, or to be laid out, to any person whatsoever, and to take from the same, and make use of for the service aforesaid, any timber, brush or earth, which they or the overseers shall think needful.

XV. *And be it further enacted* by the authority aforesaid, That the commissioners above named, or any three of them, are hereby impowered to compound or agree with any one or more of the persons concerned, instead of his or their personal labor, to pay so much money for every day's work, as shall be agreed to, for every day's work which otherwise he or they ought to have done; and the same money to be employed to hire others to work on the highways, water-courses, causies or bridges aforesaid, all which are appointed by this Act to be finished and perfected within two years after the ratification hereof; and every such commissioner who shall refuse or neglect to sign such warrants, within six months following, as are needful to put this Act or any part thereof in due execution, every such commissioner shall forfeit twenty pounds, to be levied by a warrant of distress, under the hand and seal of the Right Honorable the Governor, directed to any one or more constables, to be disposed of by him or them to making and perfecting the road and bridges aforesaid; and every person who, by any three of the commissioners, be appointed an overseer, and doth refuse or neglect to perform the duty required of him by that place and charge, he

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shall forfeit the sum of five pounds, to be levied and disposed of in the same manner and form, and to the same use, as the forfeitures in the former part of this Act.

XVI. *Be it further enacted* by the authority aforesaid, That if any one or more of the commissioners appointed by this Act, shall neglect or refuse to perform the charge and trust therein committed to him or them, after distress made of the forfeitures aforesaid, the Right Honorable the Governor is desired and hereby empowered to appoint other commissioners, whom he shall judge more industrious and willing to perform that charge; and every commissioner so appointed, which shall neglect or refuse, for the space of three months after so appointed, to sign warrants for execution of what is enjoined him or them by this Act, shall forfeit the sum of twenty pounds, to be levied and disposed of after the same manner, and to the same use, as the forfeitures of commissioners nominated in this Act are appointed.

Penalty on
commissioners
neglecting du-
ty.

*Read three times, and Ratified in open Assembly,
the tenth day of November, 1711.*

ROBT. GIBBES.
CHAS. HART.
NICHOLAS TROTT.
ROBT. DANIEL.
SAM. EVELEIGH.

Repealed by Act of 1721.

AN ADDITIONAL ACT TO AN ADDITIONAL ACT TO AN ACT ENTITLED
AN ACT FOR THE CUTTING AND MAKING A PATH OUT FROM THE ROAD
ON THE NORTH SIDE OF ASHLEY RIVER TO THE TOWN OF WILTON,
IN COLLETON COUNTY, AND APPOINTING FERRIES ON THE SAID ROAD;
AND TO REPEAL THREE CLAUSES OR PARAGRAPHS IN THE SAID ADDI-
TIONAL ACT.

WHEREAS, pursuant to an Act entitled "An additional Act to an Act entitled an Act for the cutting and making a path out from the road on the north side of Ashley river, to the town of Wilton, in Colleton county," &c., ratified in open Assembly, the ninth day of April, in the year of our Lord one thousand seven hundred and six, a road or path has been laid out and making, from the north side of Ashley river to Wilton, in Colleton county, and several bridges made over the north and south branches of Stono river, and a ferry over Ashley river, for man and horse, at the respective charges of the several inhabitants on or near the several parts of the said road, all but the sum of one hundred and seventy pounds, as in the said Act is directed and appointed. And *whereas*, amongst other things in the said recited Act contained, it is enacted that the said road, from South Stono to Wilton, be made, and from time to time, and at all times hereafter, mended, repaired and kept clear, by and at the equal charges, industry and labor of the neighboring inhabitants along the said road; and the road from north Stono to the ferry on Ashley river, be made, mended, repaired and kept clear, by and at the equal charges, industry and labor of the neighboring inhabitants along that road; and from the north side of Ashley river, to the

Preamble.

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Broad Path, on the said river, the said road should be made, mended, repaired and kept clear, by the neighboring inhabitants thereabouts : and it is further enacted in and by the said recited Act, that if the sum required and wanted for the building of the said bridges and ferries, and making of the said causers, exceed the said sum of one hundred and seventy pounds, that then the overplus of the said sum shall be laid out and levied upon the inhabitants living on Ashley river, from Col. Robert Gibbes, his plantation, inclusive, to the plantation of Thomas Elliot, inclusive, and so by all the inhabitants on both branches of Stono river, to Wilton. And *whereas*, it is further enacted, in and by the said recited Act, that the major part of the commissioners, in the same Act named, shall have power to agree with any one or more persons to make bridges and causers, and to make, mend and clear the said road or path ; and the monies which shall be wanting, over and above the said sum of one hundred and seventy pounds, shall be equally taxed by the commissioners aforesaid, upon the head of every male person, whether the same be master, servant, free man or slave, living within the limits aforesaid, above the age of sixteen years. And *whereas*, it has been made appear to the General Assembly, that the said road or path from the south side of Ashley river, to the north-east branch of Stono river, has been very grievous, burthensome and chargeable to the inhabitants who, by the said Act, are required to make, mend and repair the same, and has put them to so great and extraordinary expences and disbursements, that if they are not relieved it will tend to the impoverishing and undoing of many of them.

I. *Be it therefore enacted*, by his Excellency William Lord Craven, Palatine, and the rest of the true and absolute lords and proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown, for the south-west part of the said Province, (at the humble petition and request of the said inhabitants, on or near the said road from Ashley river to north Stono,) and by the authority of the same, That all and every the powers, privileges and authorities given and granted to the commissioners, or any five of them, in the above recited Act, or any clause, article, paragraph or part thereof, or in and by any or either the before recited clauses or paragraphs, as far forth as the same or any of them relates or extends to the taxing and levying of any rates, duty or sums of money on the neighboring inhabitants on the said road or path, from the ferry on Ashley river to the north-east branch of Stono river, or on any other persons liable to the making and repairing of the said road, or to the said commissioners, or any five of them, appointing or laying out any road or path from the north side of Ashley river to north Stono, aforesaid, or to their having appointed a ferry ; and the three several above recited clauses or paragraphs of the before recited Act, and all others relating to the said road or ferry, are hereby repealed, revoked and made void, to all intents and purposes, and shall, from henceforth, cease, determine and be of none effect ; and that the powers and authorities given and granted in and by the said Act, to the commissioners therein named, or any five of them, shall not be put in execution or made use of by them, or any of them, for the making, mending, ordering or appointing the said road or ferry ; and they, the said commissioners, or any of them, shall not be liable to or incur any pains, fines or penalties for their not acting or doing any thing to the said road or path, from the north side of Ashley river to north Stono, aforesaid ; any matter, cause or thing in the said recited Act, or any other Act, contained, to the contrary thereof, in any wise notwithstanding.

Parts of Act
No. 249, re-
pealed.

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II. *And be it further enacted* by the authority aforesaid, That Manly Williamson shall be sole commissioner, and he is hereby made, nominated, constituted and appointed, sole commissioner for the making, mending, clearing and repairing a good, sufficient and convenient road or highway, from the Broad Path, on the north side of Ashley river, through his own plantation, late John Field's plantation, with a ferry over Ashley river, and so to the north-east branch of Stono river, as it is now laid out, which shall be and continue a common road forever hereafter, unless otherwise directed by Act of Assembly.

M. Williamson
appointed com-
missioner to
make road
from Ashley
river Broad
Path to Stono
river.

III. *And be it further enacted* by the authority aforesaid, That the said Manly Williamson, (he performing all such matters and things as hereinafter are enacted and required of him,) shall, from time to time, and at all times, during his continuing commissioner, as aforesaid, have full and free use of the ferry boat, now built at the public charge, and lying in Ashley river aforesaid, and take the same into his care and custody, and the same shall at all times keep in repair, at the end of the causway next Ashley river, aforesaid, with other conveniencies for the transporting or carrying any passengers or travellers whatsoever, over the said Ashley river, whether on foot or horseback, or with cattle, hogs, sheep, or other things whatsoever; and the said commissioner shall, by himself or servants, constantly attend the said ferry at the end of the said causway, and shall, for his care and trouble therein, and to defray such charges as he shall be liable and put unto by this Act, have, demand; receive and take, to his own proper use and benefit, of and for every man, woman or child, passing and ferried over the said river, as aforesaid, half a royal; and for man and horse one royal; and for ox, cow or any neat cattle, one royal; for a hog or sheep half a royal, and no more; and for every neglect of coming for any persons on the contrary side of the said river, or unreasonable delay in transporting any man or horse or things aforesaid, shall forfeit any sum not exceeding forty shillings, to be recovered by the party grieved, for his own use, in such manner and form as by an Act for the trial of small and mean causes is directed and enacted.

M Williamson
to keep a ferry
on Ashley
river.

IV. *Always provided, and be it enacted* by the authority aforesaid, That the commissioner hereinbefore named and appointed, shall not have, demand or take any sum or sums of money of or from any man, woman or child, their horses or servants, going to or coming from church, or going to or coming from musters or alarms; and for refusal, neglect, or any unreasonable delay, at all such times, in transporting or ferrying over any man or horse, he, the said commissioner, shall be under and liable to the penalty aforesaid, to be recovered as aforesaid.

Who to pass
the ferry free.

V. *And be it further enacted* by the authority aforesaid, That the said commissioner shall, from and immediately after the ratification of this Act, at his own proper costs and charges, keep and preserve the causway up in the marsh adjoining to his own plantation, late John Field's, from time to time, and at all times during his being sole commissioner, as aforesaid, in, by and with good and sufficient reparations and amendments, for the convenient, quick and safe travelling of man and horse; and further, that the said commissioner shall, and he is hereby obliged, from time to time, and at all times during his being commissioner, (which he shall not cease to be, but by an Act of the General Assembly,) at his like costs and charges, make, mend and repair, and keep mended, repaired and cleared, with good and sufficient and constant reparations, a common road or path, from the Broad Path, on the north side of Ashley river, to the bridge over

Causway in
Williamson's
Marsh.

Road from
Ashley river
Broad Path, to
Stono river.

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Present landing place and road continued.

the north-east branch of Stono river, at least sixteen feet wide, (except causers, which shall be six feet wide,) for the safe, quick and convenient travelling of man and horse, in such places, and through and by such lands, as the said commissioner shall think fit; and that the now landing place, on the south side of Ashley river, and the road through the land of Mr. Shem Butler, in the possession of David Ferguson, Cordweighner, shall be and continue the road and landing place forever.

Penalty for obstructing the road, &c.

VI. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever, by themselves, slaves or servants, shall, by any ways or means, stop up or obstruct the passage on the road aforesaid, or hinder, forbid or threaten the said commissioner, or any traveller or passenger, from travelling the road or landing at the place aforesaid, or shall hinder, forbid or oppose the said commissioner, himself, servants or workmen, from cutting down, falling or making use of any timber or trees in or near the said road, for mending, making or repairing the same, as aforesaid, or for making use of any earth of their respective lands, for the purposes aforesaid, shall, for each and every such offence, forfeit the sum of fifty pounds, to be recovered by the said commissioner, by information in any court of record; and the monies so recovered to be by him disposed of for the reparation of the said road.

Ferry vested in M. Williamson, exclusively.

VII. *And be it further enacted* by the authority aforesaid, That no other person or persons, except the commissioner aforesaid, shall transport, ferry or carry, by him or themselves or servants, any person or persons over the river aforesaid, for any fee, promise or reward whatsoever, on the penalty or forfeiture of the sum of forty shillings, to be recovered before any justice of the peace, as is directed by the Act of small and mean causes; nor shall any such person or persons, when they do transport or ferry any person over the said river, land them on the causway aforesaid, on the said river, which is to be repaired at the sole charges of the said Manly Williamson, under the same penalty.

M. Williamson to give bond.

VIII. *And be it further enacted* by the authority aforesaid, That the said common road or path shall be mended, cleared and finished, for the purposes aforesaid, by the said sole commissioner, some time before the twenty-fifth day of November, Anno Domini 1713; and that the said commissioner herein appointed by this Act shall, within thirty days after the ratification hereof, enter into bond, with one or more sufficient securities, to the public receiver, for the use of the public, in the sum or penalty of five hundred pounds, current money, with condition thereunder written, that if the said Manly Williamson, sole commissioner, appointed by an Act entitled "An additional Act to an additional Act to an Act for the cutting and making a path out from the road on the north side of Ashley river, to the town of Wilton, in Colleton county," &c., shall and do, from time to time, and at all times during his being commissioner, as aforesaid, at his own proper costs and charges, well and sufficiently repair, amend and keep, support and maintain, the causway now thrown up in the marsh on Ashley river, adjoining to the plantation of the said Manly Williamson, as also the ferry boat on the said river, with good, sufficient and necessary reparations and amendments, whatsoever. And moreover, if the said Manly Williamson shall and do, at his like proper costs and charges, some time on this side the said twenty-fifth day of November, 1713, make, clear and finish, a good and sufficient common road or path, at least sixteen feet wide, from the south side of Ashley river to the bridge over the north-east branch of Stono river, for the safe, quick and convenient travelling and passing of man and

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horse ; and do, likewise, from time to time, and at all times during his continuing commissioner, as aforesaid, at his like proper costs and charges, well and sufficiently mend, repair and keep clear the said road or path, according to the purport, form and effect of the said Act, then this obligation to be void and of none effect, or else to remain in full force and virtue, under the forfeiture of the sum of one hundred pounds, current money, to be recovered by the public receiver, for the use of the public, by action of debt, in any court of record in this Province, wherein no protection or delay or injunction shall be allowed or admitted of.

IX. *Provided also, and be it further enacted* by the authority aforesaid, That the inhabitants who, by the before mentioned Act, are or ought to be liable to the making, mending and reparation of the said road or highway, from the said north side of Ashley river, to the north-east side of the bridge over Stono river, shall be, and are hereby, subjected to the payment, not only of the charges and expences as the commissioners in the before recited Acts, or either of them, have been at and put unto, pursuant to the said Act, or shall be judged to be due by the House of Commons, or a committee thereof, for the time being, for the purposes aforesaid, but to all other reasonable charges and expences which shall be thought allowable and payable to the said Shem Butler, upon the account of the said ferry over Ashley river, by the said House of Commons, or a committee thereof; any thing in this or any the before mentioned Acts to the contrary in any wise notwithstanding.

*Read three times and ratified in open Assembly,
the tenth day of November, 1711.*

ROBT GIBBES,
CHAS. HART.
NICHOLAS TROTT,
ROBT. DANIELL,
SAM. EVELEIGH.

Repealed by Act of 1721.

**AN ACT FOR THE APPOINTING A FERRY OVER THE EASTERN BRANCH No. 315.
OF THE T OF COOPER RIVER, AND FOR THE MAKING OF CAUSWAYS,
LANDINGS AND BRIDGES, FOR THE BETTER CONVENIENCY OF SAID
FERRY.**

For the more easy conjunction of the forces of this Colony, in times of war and danger, and for the conveniency of business and commerce,

I. *Be it enacted*, by his Excellency, the Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south-west part of this Province, and by the authority of the same, That with all convenient speed, after the ratification of this Act, there be laid out, made and kept clear, one common highway, in the nearest and most convenient place, from the broad path that

Road to be
made through
Lynch's

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*Acts relating to Roads, Bridges and Ferries.*swamp to Bon-
neau's landing.

leads from the plantation commonly called Clowter's plantation, to the Honorable Sir Nathaniel Johnson's plantation, called Silk Hope; the said path or highway to lead through Captain Johnson Lynch his swamp, lying on the eastern branch of the T of Cooper river, over to the landing of Anthony Bonneau, that plantation being the most convenient for crossing the said river, in the road to the ferry on the western branch of the said T of Cooper river; and that the said high road be laid out by the advice and direction of the commissioners hereafter named, or any three of them.

Powers of com-
missioners.

II. *And be it further enacted* by the authority aforesaid, That the commissioners hereafter nominated and appointed, or any three of them, are hereby fully empowered to direct and appoint the making of such causways, bridges and ferry boat, over the said branch of the T, and the creeks and marshes in the road aforesaid, as shall, to them, or any three of them, appear to be convenient for rendering the said road as passable and useful to the public as may be, and to agree with any person or persons for the making, mending, and repairing of the said bridges and causways.

Ferry.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any three of them, shall have power, and they are hereby empowered, to name and choose the master or manager of such ferry, as shall be appointed in the aforesaid road, who shall lawfully take and demand, for the transportation of each passenger, one half royal, and for man and horse, one whole royal, and no more.

Commissioners

IV. *Be it also enacted* by the authority aforesaid, That John Ashbey, Esquire, Peter Jacob Guerard, Esquire, Mr. Benjamin Simons, Mr. John Black, Mr. Anthony Bonneau, and Mr. Charles Hays, or any three of them, be, and are hereby, nominated and appointed commissioners for the laying out, making, mending, keeping clear and in repair, the road, causways, bridges and ferry aforesaid, as they, or any three of them, shall think fit.

Penalty for ob-
structing the
road, &c.

V. *And be it enacted* by the authority aforesaid, That every person which shall molest, hinder or disturb the commissioners, or any other person with whom they shall agree to make and mend the said roads, and performing any thing which they are empowered to do by this Act, or which shall, after the path is laid out, hinder persons to make use of, or that shall prejudice or spoil any part of the same, shall forfeit the sum of twenty pounds; to be recovered by bill, plaint or information, in any court of record within this part of the Province, one moiety to be paid into the hands of the receiver for the use of the public, and the other half, to him or them that shall sue for the same, wherein no protection or wager of law shall be allowed or admitted.

Ferry, when to
be free.

VI. *Provided always, and it is hereby enacted*, That the said ferry appointed by virtue of this Act, shall, in times of alarms, musters and divine service, be free to be made use of by all persons, for themselves, horses and slaves, without fee or reward; any thing herein contained to the contrary in any wise notwithstanding.

Penalty on
master of the
ferry for neg-
lect.

VII. *Provided also, and it is hereby enacted* by the authority aforesaid, That if the said master or manager of the said ferry, shall neglect or refuse coming for any persons on any opposite side of the said river, or shall unreasonably delay the transportation of any man or horse, shall forfeit any sum not exceeding twenty shillings; to be recovered by the party grieved, for his own use, in such manner and form as by the Act of small and mean causes is directed.

VIII. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any three of them, shall have power, and they are hereby empowered, as often as occasion be, to fall, cut down and make use of,

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any cedar or cypress, timber and posts, or any other wood, on firm land or in the swamp of Captain Lynch aforesaid, or any other person's through whose land the road may be carried by this Act, as well for the making of the necessary causways, bridges and landings aforesaid, as for the keeping the same in repair, so that there be no unnecessary waste made, and so that the distance for falling of the said timber and wood in the aforesaid swamp, do not exceed three hundred feet wide on each side the causways to be made through the said swamp; and if any person or persons shall hinder, forbid, or oppose the said commissioners, or any three of them, or their servants or workmen, from cutting down, falling, or making use of, any of the said timber, wood or posts, in or near the said road, causway or ferry, within the limitation aforesaid, for the purposes aforesaid, or from making use of any earth off their respective lands, for the making, mending, and repairing the said causways and bridges, shall, for each and for every such offence, forfeit the sum of fifty pounds, current money of this Province; to be recovered by the commissioners, or any three of them, in any court of record, and the money so recovered, to be by them disposed of for the making and repairing the said road and ferry.

IX. *And be it further enacted* by the authority aforesaid, That the sum of forty pounds, current money of this Province, be paid out of the treasury of this Province, and the Public Receiver is hereby required to pay the same into the hands of the said commissioners, or any three of them, and they, or any three of them, shall have power to lay out the said money in making and building the bridges and ferry boat and causways aforesaid; and the said commissioners are hereby required and directed to keep a fair and true account of their disbursements of said sum, and render their account thereof to the receiver for the time being, when requested. £40 appropriated.

X. *And be it further enacted* by the authority aforesaid, That the sum of sixty pounds more than the said sum given and allowed for the purposes aforesaid, by this Act, shall be levied, rated and collected, recovered and gathered, by the commissioners or any three of them, by warrant of distress, if occasion be, on all male persons, free men, servants and slaves, above the age of sixteen years, from the plantation of Richard Griffin to Matthew Tullado, so to Peter Johnson, to John Russ, so to David Bachelor, so to Solomon Bremar's cow-pen, settled at a place called the Bull-head, so to the plantation of John Ashby, Esquire, the aforesaid plantation to be inclusive, and to include the several plantations settled, or to be settled, between the aforesaid plantation of the eastern branch of the T of Cooper river, as also, between the aforesaid plantation, and that part of Cooper river that lies between the T of said river, and a creek called Tullado Creek. £60 pounds to be assessed.

XI. *And be it further enacted*, That for the constant keeping the said causways, bridges, and ferries in repair, the sum of fifty pounds, or any sums not to exceed the said sum, for every seven years, be levied and recovered and gathered by the commissioners aforesaid, on the inhabitants above and before mentioned, in manner aforesaid.

*Read three times and ratified in open Assembly,
the seventh day of June, Anno Dom. 1712.*

CHARLES CRAVEN,
CHARLES HART,
ARTHUR MIDDLETON,
THO. BROUGHTON.
RICHARD BERRESFORD,
SAM. EVELEIGH.

Repealed by Act of 1721.

A. D. 1712.

Acts relating to Roads, Bridges and Ferries.

No. 316. AN ACT FOR BUILDING AND ERECTING A-BRIDGE AND CAUSWAY OVER THE RIVER AT THE LANDING OF MR. WILLIAM STANYARNE; AND ONE OTHER BRIDGE AND CAUSWAY, FROM THE LANDING OF MR. THOS. SEABROOK, TO THE LAND OF MADAME ELIZABETH BLAKE, OVER WADMALAW RIVER.

Preamble.

WHEREAS, the inhabitants of St. John's Island, and the inhabitants of Wadmalaw, Bohickett, and other southern settlements, by their petitions to the General Assembly, have set forth, that for want of convenient bridges, they are greatly interrupted in their communication with adjacent parts, and are kept from the worship of God, and attendance at musters and alarms—to prevent which inconveniences for the future,

Bridges to be made at Stanyarne's and Blake's.

I. *Be it therefore enacted*, by his Excellency William Lord Craven, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the South-west part of this Province, and by the authority of the same, That the commissioners hereafter named, or any three of them, are hereby fully empowered and required, with all convenient speed, to direct and appoint a bridge and causway to be made and set up, from the landing of Mr. William Stanyarne, over that river, or the most convenient place thereabouts; and one other bridge and causway, from the landing of Mr. Thomas Seabrook, to the land of Madame Elizabeth Blake, over Wadmalaw river.

Commissioners

II. *And be it further enacted* by the authority aforesaid, That Colonel John Fenwick, Captain Arthur Hall, Mr. John Stanyarne, Mr. Hugh Hicks, sen., and Mr. Samuel Davis, or any three of them, be, and are hereby nominated, commissioners for laying out, erecting and building the bridges and causways, and keeping clear and in repair, the said bridges and causways leading thereto.

£80 appropriated.

III. *And be it further enacted*, That the sum of eighty pounds, current money of this Province, be paid out of the public treasury of this Province, towards defraying the charges of the said bridges and causways, and the public treasurer is hereby required to pay the same into the hands of the said commissioners, or any three of them, and they, or any three of them, shall lay out the said money in building and erecting the said bridges and causways, in equal proportion.

Assessment.

IV. *And be it further enacted* by the authority aforesaid, That if the above mentioned sum be deficient, and fall short of defraying the charges of building the said bridges and causways, that then, the same bridges and causways shall be built, performed, finished, and kept in repair, by an equal assessment to be laid and levied by the commissioners aforesaid, or any three of them, upon the inhabitants living on Wadmalaw, Bohickett, and St. John's Island.

Powers of commissioners.

V. *And be it further enacted*, That the said commissioners, or any three of them, shall have power, and they are hereby empowered, to agree with any one or more persons to make the said bridges and causways, and the monies which, by such agreement, shall be wanting, over and above the said sum of eighty pounds paid out of the public treasury, for defraying the charges of the same, shall equally be laid by the commissioners aforesaid, or any three of them, upon the head of every male person, whether the same be master, servant, free man, or slave, living within the limits aforesaid, above the age of sixteen years; and the money so taxed and

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raised, by any one or more persons appointed, by an order under the hands of the said commissioners, or any three of them; and in case of non-payment, distress shall be made upon the goods and chattels of such person or persons who shall refuse to pay the same, for his or their part thereof, by any constable thereunto required, by a warrant under the hands and seals of the said commissioners, or any three of them, who are hereby empowered to issue forth and grant the same; and the distress so made shall be sold within three days, after notice thereof being first given to the person from whom the distress was made, of the time and place where the goods and chattels distrained are to be sold; and the overplus, after the assessment and charge of distress is paid, shall, by the constable aforesaid, be returned to the owner thereof; and every master, or head of every family, shall pay for every contracted servant or slave as aforesaid, belonging to his respective family.

VI. *And be it further enacted*, That the said commissioners, or any three of them, appointed as aforesaid, shall have power, and they are hereby empowered, to cut down and make use of any timber, wood, brush, or earth, lying most convenient, which they, or the person or persons with whom they shall agree as aforesaid, shall think needful, for building the bridges and making the causways aforesaid, and accomplishing the same; and shall direct and make the causways leading to the said bridges, through any land already run out or to be run out.

May use timber, &c.

VII. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners aforesaid shall happen to die or go off this Province, or shall refuse or neglect to do his duty, as by this Act is directed and required, that then the Honorable the Governor, or the Governor for the time being, is hereby authorized and empowered to nominate and appoint such other person or persons as he shall think fit, to be commissioner or commissioners, in the stead and place of him or them so deceased or going off, or that neglects or refuses to perform his duty, as aforesaid; which said commissioner or commissioners, so nominated and appointed by the Governor as aforesaid, shall have all the power and authorities as if he or they were nominated and appointed by this Act.

Vacancies, how to be filled.

*Read three times, and ratified in open Assembly,
the seventh day of June, Anno Dom. 1712.*

CHARLES CRAVEN,
CHARLES HART,
ARTHUR MIDDLETON,
THO. BROUGHTON,
RICHARD BERRESFORD,
SAM. EVELEIGH.

Repealed by Act of 1721.

A. D. 1712.

*Acts relating to Roads, Bridges and Ferries.*AN ADDITIONAL ACT TO THE SEVERAL ACTS FOR MAKING AND REPAIR-
ING OF HIGHWAYS.

WHEREAS, several commissioners appointed for making and mending highways, are either dead, neglect, or refuse to perform that duty—

Comm'rs. of
highways to be
appointed.

I. *Be it enacted*, by his Excellency the Palatine, and the rest of the true and absolute Lords and Proprietors of Carolina, together with the rest of the members of the General Assembly, now met at Charlestown for the south-west part of this Province, That the Right Honorable the Governor shall have power, and he is hereby empowered and prayed, to nominate and appoint fit persons for commissioners for highways; in every part of this Colony where highways have been enacted to be laid out; and the same persons so nominated shall have the same power and authority, and be under the same restrictions, as if they were expressly appointed by this Act.

Road from
Charleston to
Turkey creek.

II. *Be it enacted* by the authority aforesaid, That the road from Charlestown to Turkey Creek shall be repaired and made, every where, twenty feet wide, at the equal charge and labour of all male persons who are, or have been, obliged to make or repair the said road; and that Charles Hart, Esquire, Colonel William Rhett, Colonel Hugh Grange, Henry Wiginton, Esquire, and Mr. Ralph Izard, or any three of them, be commissioners for that purpose.

From Turkey
creek to Ba-
ker's swamp.

III. *And be it likewise enacted* by the authority aforesaid, That the road from the creek commonly called Turkey Creek, to the swamp commonly called Baker's Swamp, shall be repaired and made, every where, twenty feet wide, at the equal charge and labor of all persons who are, or have been, obliged to make or repair the said road; and that Arthur Middleton, Esquire, Captain Benjamin Skencking, Captain James Moore, and Capt. George Chickin, or any three of them, be commissioners for that purpose.

New cut be-
tween Stono
and Wadma-
law, to be made
10 feet wide.

IV. *Be it likewise enacted*, That a passage at the place commonly called New Cut, betwixt the heads of Stono and Wadmalaw Rivers, shall be cut as short and strait as conveniently can be, at least twelve feet wide, and six feet deep; and another passage commonly called Watt's Cut, nigh Edisto Island, shall be cut at least ten feet wide and six feet deep, both at the equal charge and labor of every male person, from sixty to sixteen years of age, as well whites as slaves, living any where in this Province to the southward of the head of Stono river; and that Landgrave Joseph Morton, Major Abraham Eve, Mr. James Cochran, Captain Arthur Hall, and Mr. John Connaway, or any three of them, be commissioners for laying out, ordering and directing, the cutting the two creeks aforesaid; and that the said commissioners, or any three of them, shall have the same power, and be under the same restrictions, in relation to what they do about the creeks aforesaid, as any commissioners for cutting creeks or making highways, ever had or now have, by any law of this Province.

Wapoo cut to
be made wider.

V. *Be it likewise enacted* by the authority aforesaid, That the head of Wapoo Creek, going into Stono river, be cut and made sufficiently wide, or that a new creek more convenient be cut, from the head of Wapoo into Stono river, at the discretion of the commissioners hereafter named; and that the creek so cut shall be made ten feet wide and six feet deep, at the equal charge and labor of all male persons, as well whites as slaves, living from New Cut, on the head of Stono River, to the plantation of Colonel Robert Gibbes, inclusive, that is, all the inhabitants of Stono Island, except such who are appointed by Act of Assembly to cut New Town Creek,

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and of that part of the continent opposite to the same, who either have landings, or usually cart to landings, upon any place of the branch or creek of Stono river or Wapoo creek; and that Colonel John Fenwick, Mr. John Godfrey, Captain Thomas Elliott, Mr. John Williamson, and Mr. John Stanyarne, or any three of them, be, and are hereby, appointed for cutting the same.

VI. *Be it further enacted* by the authority aforesaid, That a high road be laid out from the plantation of Thomas Perriman, to the Church at Goose Creek, and that a bridge be made on the same road over Goose Creek, in some convenient place about the plantation of Landgrave Thos. Smith, and that the said road and bridge be made at the equal charge and labor of each male person at the age aforesaid, living betwixt the said road and Cooper river, as far as the plantation of Mr. Francis LeBrasseur on Forster's Creek, exclusive; which persons are hereby directed to be freed and discharged from all other labor and expense upon any other high road, any law to the contrary notwithstanding; and that Landgrave Thomas Smith, Colonel Hugh Grange, Mr. John Harbert, and Mr. Samuel Wragg, or any three of them, are appointed commissioners for making the highway and building the bridge aforesaid; and that the said commissioners shall have the same powers, and be under the same restrictions, as any other commissioners for making highways now have in any part of this Province.

Road from
Perriman's to
Goose Creek
Church, and
bridge over
Goose creek.

VII. *Be it further enacted* by the authority aforesaid, That a high road be made from the plantation of Major Abraham Eve to Wilton, at the equal charge and labor of all male persons, as well whites as slaves, living to the south-west side of Toogedoo Creek, as far as South Edisto river, and below the high road going from Wilton to the ferry; and that Major Abraham Eve and Mr. John Dedcott, be appointed commissioners to make the same; and that the said commissioners shall have the same powers, and be under the same restrictions, as the commissioners above mentioned.

Road from
Eve's to Wil-
ton.

VIII. *Be it further enacted* by the authority aforesaid, That a common highway shall be made and laid out, from the end of the bridge over South Edisto river, to the most convenient place of the highway from the ferry to Wilton; and that the said highway, with the causways and water-courses therein, shall be made after the same manner as in several Acts for making highways is directed, and at the equal charge and labor of each male person, as well whites as slaves; betwixt the age of sixteen and sixty years of age, inhabiting to the north and north-west side of the high road from Wilton to the bridge nigh Captain Thomas Elliott's plantation, and of all those persons inhabiting within a mile of the south-west side of South Edisto river; and the persons aforesaid are hereby freed and discharged from any other charge or labor on any other highway whatsoever; any law to the contrary notwithstanding.

Road to be
made from the
bridge over So.
Edisto to Wil-
ton.

IX. *Be it further enacted* by the authority aforesaid, That Mr. John Jackson, Mr. James Rixam, Mr. John Whitmarsh, jr., and Mr. John Williamson, or any three of them, shall be commissioners for making the high road aforesaid, and shall have the same powers, and be under the same penalties, as the commissioners are for making the high roads from South Edisto river to Port Royal.

Commissioners

X. *Be it further enacted* by the authority aforesaid, That it shall be lawful for any commissioners for making highways, bridges, cutting of creeks, to make use of any timber most convenient for the said work, or

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any part of it; and that if any person whatsoever, molest or hinder the said commissioners, or those appointed by them, to make use of or cut any trees or timber for that purpose, he shall forfeit and pay the sum of fifty pounds; to be sued for and recovered by the said commissioners in any court of record of this Province; and that the said sum to be applied to the making and repairing the bridges or highways in the precinct where the offence is committed.

Commissioners may give out contracts. XI. *Be it further enacted*, That all the commissioners for highways in this Province, shall have power, and they are hereby empowered, either to follow the method prescribed by the several Acts for making highways, or to agree with any person or persons in the several parts to make or repair the highways, or any part of them, within the said several bounds, and for payment thereof, to lay an equal tax upon every male person, as well whites as slaves, within their respective bounds.

Assessment. XII. *Be it likewise enacted* by the authority aforesaid, That if any person refuses or neglects to pay the said tax, when demanded by warrant under the hand and seal of the commissioners, or any three of them, he or they refusing or neglecting, shall be liable to the same fines and forfeitures as those are who neglect or refuse to come or send their slaves to the highways when duly summoned; and the commissioners shall have the same power of recovering the said tax, by distraining or otherwise, as they have in the other highway Acts, in case of any person's refusal or neglect to appear and do his duty when summoned.

Constable's duty. XIII. *Be it further enacted*, That if any constable refuse or neglect to execute any warrant directed to him by any the commissioners for making highways, bridges, or causways in this province, for doing any thing required to be done by any Act for making highways, bridges or causways, such constable, for every such offence, shall forfeit and pay the sum of five pounds, for the use of the highways; to be levied by warrant under the hand and seal of the Right Honorable the Governor, upon application made to him for that purpose.

*Read three times and ratified in open Assembly,
the seventh day of June, Anno Dom. 1712.*

CHARLES CRAVEN,
CHARLES HART,
ARTHUR MIDDLETON,
THOS. BROUGHTON,
RICHARD BERRSFORD,
SAM. EVELEIGH.

Repealed by Act of 1721.

Acts relating to Roads, Bridges and Ferries.

A. D. 1713.

No. 336.

AN ADDITIONAL ACT TO AN ACT ENTITLED "AN ACT FOR BUILDING AND ERECTING A BRIDGE AND CAUSWAY OVER THE RIVER AT THE LANDING OF MR. WILLIAM STANYARNE; AND ONE OTHER BRIDGE OR CAUSWAY, FROM THE LANDING OF MR. THOMAS SEABROOK, TO THE LAND OF MADAME ELIZABETH BLAKE, OVER WADMALAW RIVER."

WHEREAS, by one Act of Assembly of this Province, duly ratified in open Assembly, the seventh day of June, in the year of our Lord one thousand seven hundred and twelve, entitled "An Act for building and erecting a bridge and causway over the river at the landing of Mr. William Stanyarne; and one other bridge or causway, from the landing of Mr. Thomas Seabrook, to the land of Madame Elizabeth Blake, over Wadmalaw River," among other things it was enacted, that the commissioners therein mentioned, be empowered to appoint a bridge and causway from the landing of Mr. William Stanyarne, over the said river, or the most convenient place thereabouts; and *whereas*, the said commissioners have fixed the said bridge about a mile and a half higher than the said Mr. William Stanyarne's landing, as the most convenient place, and accordingly have made the causway to the said place. Now for the avoiding all disputes and doubts concerning the same,

Bridges over Wadmalaw.

I. *Be it enacted*, by the most Noble Prince Henry Duke of Beaufort, Lord Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the southwest part of this Province, and by the authority of the same, That at that part of the said river to which the said causway adjoins or comes to, shall be the place for the said bridge to be built.

II. And *whereas*, by the said Act it was further enacted, That another bridge and causway should be made from the landing of Mr. Thomas Seabrook, to the land of Madame Elizabeth Blake, over Wadmalaw river, which is found inconvenient, and that it would be better to have the said bridge to be built over the said Wadmalaw river, to be placed at the landing of Captain William Williams. *Be it therefore further enacted* by the authority aforesaid, That the said bridge and causway appointed by the said Act to be made from the landing of the said Mr. Thomas Seabrook, to the land of Madame Elizabeth Blake, over the said Wadmalaw river, shall be made from the landing of the said Captain William Williams, directly over the said river; any thing in the above mentioned Act to the contrary hereof in any wise notwithstanding.

Stono Bridge.

III. And *whereas*, by the said recited Act it is enacted, That the sum of eighty pounds to be paid out of the public treasury to the commissioners of the said Act, towards building and erecting the said bridges and causways, should be laid out in equal proportion; and *whereas*, Stono bridge will cost far more money than Wadmalaw bridge;—*Therefore be it further enacted* by the authority aforesaid, That fifty pounds, part of the said eighty pounds, shall be laid out towards building of the said Stono Bridge, and that the remaining forty, shall be paid and disposed towards the building of Wadmalaw Bridge.

IV. And *whereas*, by the said recited Act it is enacted, That the commissioners of the said Act be empowered to agree with any one or more persons to make the said bridges and causways, and the money wanting after the said eighty pounds, required to be levied by order of the said commissioners upon the inhabitants living within the limits—that is to say,

Power of commissioners.

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the inhabitants of St. John's Island, and the inhabitants of Wadmalaw, Bohickett, and the other southern settlements; and *whereas*, by experience, it is thought more reasonable and convenient, that the building and keeping in repair of the said bridges, should be at the charge of the particular inhabitants living near the said bridges, as more properly belonging to them; and also, that the said causways should be made at the equal labor of the male inhabitants, servants and slaves. *Be it therefore enacted*, That the charge of building and keeping in repair of Stono Bridge, over and above the fifty pounds received as part of the said eighty pounds given by the public, shall be paid and borne by the inhabitants of Stono Island; that is to say, upon the south side of Stono river, and the south-east side of Bohickett creek, and so along the sea side, including Ceyawah Island; and that the charges of building and keeping in repair of the said Wadmalaw Bridge, after the said thirty pounds given by the public, shall be paid and borne by the inhabitants of Wadmalaw Island; that is to say, on the south and west side of Wadmalaw river, and so down the north-west side of Bohickett creek; the said charges of building and keeping in repair the said bridges, to be laid and levied by the commissioners hereafter named and appointed by this Act, on the said inhabitants, to be equally taxed upon the head of every male person, whether the same be master, servant, free man or slave, living within the limits aforesaid, above the age of sixteen years; the money to be levied by any one or more persons, appointed by an order under the hands of the said commissioners, or any three of them; and in case of non-payment, distress shall be made upon the goods and chattels of such person or persons who shall refuse to pay the same, for his or their part thereof, by any constable thereunto required by a warrant under the hands and seals of the said commissioners, or any three of them, who are hereby empowered to issue forth and grant the same; and the distress so made shall be sold within three days after notice thereof being first given to the person from whom the distress was made, of the time and place where the goods and chattels distrained are to be sold, and the overplus, after the assessment and charges of distress is paid, shall, by the constable aforesaid, be returned to the owner thereof; and every master or head of every family shall pay for every contracted servant or slave as aforesaid, belonging to his respective family.

How kept in
repair.

V. And *whereas*, it will be more convenient that the said causways, and also the highways tending to and from the said bridges, and appointed by this Act to be made, should be made and kept in repair at the equal labor of the said inhabitants. *Be it therefore further enacted* by the authority aforesaid, That the above mentioned causways, and also the highways hereafter appointed by this Act to be made, shall be made and kept in repair at the equal labor of the aforesaid several inhabitants, being the masters, male servants and slaves, not under sixteen nor exceeding sixty years of age, who being summoned and required by order of the commissioners, to come and work on the making or repairing the said causways and highways, are hereby required and commanded to give obedience thereunto, under the penalty of the forfeiture of five shillings for every day's neglect, to be levied upon every such master neglecting his duty, by warrant of distress from the commissioners as aforesaid.

Paths from said
bridges.

VI. And *be it further enacted* by the authority aforesaid, That the following paths or highways, leading to and from the said bridges, shall be made and laid out by the direction and order of the commissioners of this Act; that is to say, one broad path from the plantation of Mr. John Jones,

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on Stono Island, into the most convenient place of the broad path leading from the plantation of late Captain Frost's, to the plantation now possessed by Captain Berresford, and from thence to the bridge leading over Stono river; and one other broad path from the bridge to the broad path leading to the ferry over Ashley river; and one other broad path from the said bridge to St. Paul's Church; and one other broad path, leading from the plantation of Mr. Sherman, on the lower end of Bohickett creek, to the said bridge over Wadmalaw river, and from thence to the said bridge over Stono river; and one other broad path, from Bear Bluff Plantation on Wadmalaw, to the said bridge over Wadmalaw river; and that all the inhabitants as aforesaid on Stono Island, (which is not included in any Act to make and keep in repair the broad path leading from the said Frost's plantation, to the said Beresford's,) shall make and keep in repair the said broad path from the said Jones's; and also, all the inhabitants as aforesaid on Wadmalaw Island, shall make and keep in repair the several paths before mentioned upon said island; and also, the path from Wadmalaw bridge to Stono bridge; and that the inhabitants on both the said islands, shall make and keep in repair the aforesaid path, from Stono bridge to the Ferry path; as also, to the Church.

VII. And *whereas*, by the above recited Act, Colonel John Fenwick, Captain Arthur Hall, Mr. John Stanyarne, Mr. Hugh Hext, sen., and Mr. Samuel Davis, were appointed commissioners in general, for building both the said bridges, and making both the said causways, and keeping them in repair; *whereas*, it would be more convenient that there should be appointed distinct commissioners for the building of Stono bridge, and making and perfecting the causway belonging to the same; and also, laying out and making and repairing the highways that are to be made and repaired by the inhabitants that are to make the said Stono bridge; and that there be other distinct commissioners appointed for the building of Wadmalaw bridge, and making and perfecting the causway belonging to the same; and also, laying out and making and repairing the highways that are to be made and repaired by the inhabitants that are to make the said Wadmalaw bridge. *Be it therefore enacted* by the authority aforesaid, That the said Captain John Fenwick, Mr. John Stanyarne, Mr. Hugh Hext, sen., Capt. John Raven, and Mr. John Jones, be, and are hereby appointed, commissioners for the building and keeping in repair of the said Stono bridge, and making and perfecting and keeping in repair the causway belonging to the same; and also, for the laying out and making and keeping in repair, the said highways that are to be made and repaired by the inhabitants aforesaid, that are to make the said Stono bridge; and that they, or any three of them, shall have power, and they are hereby empowered, to put in execution all and singular the powers and authorities given to the commissioners in the above recited Act, or in this Act, relating to the said Stono bridge, causways and highways; and that Captain Arthur Hall, Mr. Samuel Davis, Captain William Williams, Mr. Samuel Shadock, sen., and Mr. Thomas Stanyarne, be, and are hereby appointed, commissioners for the building and keeping in repair of the said Wadmalaw bridge, and making and perfecting and keeping in repair the causway belonging to the same; and also, for the laying out and making and keeping in repair, the said highways that are to be made and repaired by the inhabitants, as aforesaid, that are to make the said Wadmalaw bridge; and that they, or any three of them, shall have power, and they are hereby empowered, to put in execution all and singular the powers and authorities given to the commissioners,

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either in the above recited Act, or in this Act, relating to the said Wadmalaw bridge, causways and highways; any thing in the above recited Act to the contrary hereof in any wise notwithstanding.

*Read three times and ratified in open Assembly,
this 18th day of December, Anno Dom. 1713.*

CHARLES CRAVEN,
CHARLES HART,
ARTHUR MIDDLETON,
RALPH IZARD,
RICHARD BERRESFORD,
SAM. EVELEIGH.

Repealed by Act of 1721.

No. 343. AN ACT FOR CONTINUING THE ROAD TO EDISTO ISLAND, AND MAKING A BRIDGE OVER DAWHOE CREEK, AND FINISHING THE ROAD TO PORT ROYAL, AND MAKING A BRIDGE OVER SOUTH EDISTO RIVER.

WHEREAS, it is necessary that the inhabitants of Edisto Island have an easy communication by land to the continent, and that the road to Beaufort town, on Port Royal, be finished.

I. *Be it therefore enacted*, by the most noble Prince Henry, Duke of Beaufort, Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the consent of the rest of the members of the General Assembly, now met at Charlestown for the south-west part of this Province, and by the authority of the same, That the commissioners hereafter named shall have power, and they are hereby authorized and required, to lay out, make, and keep in repair, a high road and causway from the most convenient place of John Frip's plantation, on Edisto Island, to Wilton; and that the same be done at the equal labor and charge of all the male persons, white men and slaves, between sixteen and sixty years of age, living on Edisto Island, and belonging to the plantation of Mr. James Cockran, at Tubedoo, except the following persons who live on Edisto Island, their servants and slaves, viz: living at the plantations of Mr. Larence Dennis, Thomas Grimbail, Charles Odingsells and Madame Grimbail, who are to cut the Hallover creek, at Cawyway; and the commissioners shall have power to make the causeway of what breadth and height they shall think convenient.

II. *Whereas*, it is not convenient that the personal labor of the aforesaid persons should make the bridge over Dawhoe creek, in the said road: *Be it therefore enacted* by the authority aforesaid, That the commissioners hereafter named are hereby authorized and empowered to assess and levy a certain sum of money on the estates, both real and personal, of the inhabitants living on Edisto Island, and on the personal estate and plantation of Mr. James Cockran, at Tubedoo, for defraying the charges of building the aforesaid bridge; and after the bridge is built, and the aforesaid sum raised for building it, and if the said sum shall not be sufficient to build it,

Causway and high-road from Frip's, on Edisto Island, to Wilton.

Bridge over Dawhoe.

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then the commissioners shall have power to raise another sum for paying the whole charge ; but if said sum shall exceed the charge of building the said bridge, then the overplus shall be kept by the commissioners aforesaid, for repairing the said road and bridge ; and the said bridge shall be kept in repair, after the same manner as it was built, that is, by assessing the estates of the said inhabitants, after the manner aforesaid.

III. *And it is hereby enacted* by the authority aforesaid, That James Cockran, Capt John Wittmarsh, Henry Bower, Joseph Russell, and John Fripp, shall be commissioners for the road and bridge in the road to Edisto Island, or any three of them, shall have power, and are hereby authorized, required and appointed, to make the said road and bridge ; and that the said commissioners shall have the same powers, and be under the same restrictions, as any other commissioners for making highways now have, in any part of this Province.

Commissioners, and their powers.

IV. *Whereas*, the road to Beaufort town, on Port Royal, is not finished ; *Be it therefore enacted* by the authority aforesaid, That the commissioners hereafter named shall have power, and are hereby authorized and empowered, to lay out, make, and keep in repair, a high road, from the most convenient part of the New London road to the most convenient place on South Edisto river, over against the plantation of Capt. John Jackson, on South Edisto river ; and that the same be done at the equal labor and charge of all the male persons, free men, servants and slaves, between sixteen and sixty years of age, living within two miles of South Edisto river, on the north side, from Wilton to the plantation of James Rixons, on South Edisto river, and the persons living at New London, and at the plantation of James Rixons.

Road from Beaufort to S. Edisto river.

V. *And whereas*, it is necessary to build a small bridge over Penny's creek, in the said road ; it shall be done after the same method as the bridge over Dawhoe creek, by laying a tax on the estates of the persons who are appointed to make the aforesaid road. *Whereas*, it is necessary to build a bridge over South Edisto river, since the road to the present bridge is impassable when the freshes are high ; and it is impracticable to make a causway through the swamp to the present bridge ; *Be it therefore enacted* by the authority aforesaid, That the commissioners hereafter named are empowered and authorized to build, or cause to be built, a bridge over South Edisto river, at the most convenient place on South Edisto river, at the plantation of Capt. John Jackson ; and that the same be made at the charge of the inhabitants living to the south and west of South Edisto river, on the continent and island, by taxing of their estates, both real and personal, after the same ways and means as the bridge is made over Dawhoe creek, in the road to Edisto Island ; and the commissioners are empowered, if they think convenient, to purchase the present bridge over South Edisto river, they may do it, and remove it to the aforesaid place.

Bridge over Penny's creek.

Bridge to be built over S. Edisto river.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners hereafter named are empowered to continue the road from Capt. John Jackson's, on South Edisto river, to Mr. Parrott's, on Ashepoo river ; and that the same shall be made by the male inhabitants, their servants and slaves, between sixty and sixteen years of age, living on the point of land lying between South Edisto river, Ashepoo river, and the Horse-shoe creek, below the path going from the plantation of James Wrixmans to the plantation of Capt. Thomas Elliott, at the head of the Horse-shoe creek ; and the aforesaid persons shall keep the aforesaid road in repair, by the directions of the commissioners hereafter named.

Road from Edisto river to Ashepoo.

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Commissioners

VII. *Be it further enacted* by the authority aforesaid, That Mr. James Cockran, Capt. John Woodward, Capt. Edmund Bellenger, Capt. John Jackson, and Mr. William Peeters, or any three of them, shall be commissioners for making the aforesaid roads and bridges; and the commissioners for the road on the South side of Ashepoo river to Port Royal, shall assist the aforesaid commissioners in taxing and levying the same, to build the South Edisto bridge; and that the aforesaid commissioners shall have the same power, and be under the same restrictions, as the commissioners for making the road to Edisto Island.

Road from Parrot's to Cumbee.

VIII. *Be it further enacted* by the authority aforesaid, That the commissioners hereafter named shall continue the road from Mr. Parrott's plantation to the present road from Jackson's, on Cumbee; and all the male persons, their servants and slaves, living on the south and east side of the present road from the bridge over Ashepoo to the causeway on Cumbee marsh, between sixty and sixteen years of age, shall make and finish the aforesaid road, and keep it in repair, at the directions of the commissioners hereafter named.

Road from Beaufort to present road; and the highway from ferry on Combee, over St. Helena, to a point opposite Beaufort.

IX. *Be it further enacted* by the authority aforesaid, That the commissioners hereafter named shall lay out and make a road from Beaufort town, on Port Royal Island, to the present road on the said island, and the inhabitants thereon shall make the same; and that the highway be continued from the ferry on Combee Island, over against St. Helena's Island, to the most convenient place on the said Island, over against Beaufort town, on Port Royal; and that the same be done by the inhabitants of St. Helena, Combee, and on the small islands near adjoining them, to be made by the same way and means as the other highways by this Act are directed to be made.

Causeway on Combee marsh.

X. *And be it further enacted* by the authority aforesaid, That the causeway on Combee marsh shall be kept in repair at the charge of the inhabitants living to the south and west, on the islands and continent, of Ashepoo river, and the same be done by an assessment or tax on all the male persons between sixty and sixteen years of age, living or residing within the aforesaid bounds; and the same shall be levied as hath been directed by any Act of this Province, (for taxing the inhabitants for making highways,) now in force.

Causeway between Bryan's and Port Royal.

XI. *And be it further enacted* by the authority aforesaid, That the inhabitants, their servants and slaves, living in Granville county, shall keep the road and causeways between Mr. Bryan's and Port Royal, in repair; and the inhabitants on Port Royal, Combee and St. Helena Islands, shall keep their several roads in repair, when they shall be directed so to do by the commissioners appointed for that purpose.

XII. *And be it further enacted* by the authority aforesaid, That Capt. Thomas Nairne, Col. John Barnwell, Capt. John Cockran, Henry Quintyne, and Capt. Edmund Bellenger, shall be commissioners for the road from Parrott's to St. Helena, or any three of them, are hereby authorized and appointed to make and keep the aforesaid roads in repair, according to the directions of this Act; and the said commissioners shall have the same power, and be under the same restrictions, as any other commissioners for making highways have, in any part of this Province.

XIII. *And be it further enacted* by the authority aforesaid, That the inhabitants, their servants and slaves, between sixteen and sixty years of age, living on the point of land lying between South Edisto river and Ashepoo river, on the north side of the path going from the plantation of Mr.

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James Wrixmans, to the plantation of Capt. Thomas Elliott, at the head of the Horse-shoe creek, and on the west side of the said creek to Ashepoo river, shall keep in repair the road from the bridge over Ashepoo river, to South Edisto river; and the inhabitants, their servants and slaves, from sixty to sixteen years of age, living on the point of land between Ashepoo and Combee rivers, on the north and west side of the present road from the bridge over Ashepoo river to the causway on Combee marsh, shall keep in repair the present road from the bridge over Ashepoo river to where it shall join the road leading from the causway on Combee marsh, to the plantation of Capt. Edmund Bellenger, on Ashepoo river; and Capt. John Woodward and Mr. Richard Woodward shall be commissioners for the same, and have the same power, and be under the same restrictions, as any other commissioners for making and repairing highways have.

XIV. *Whereas*, it is thought highly necessary to have a creek cut out of Chehaw river, into Witchcaw creek, for a more safe passage into Ashepoo river. *Be it therefore enacted* by the authority aforesaid, That a passage, commonly called Witchcaw creek, between Chchaw river and the head of the said creek, at the most convenient place thereabouts, shall be cut straight and as convenient as may be, at least ten foot wide and six foot deep; and that the same shall be done at the equal labor and charge of the male persons between sixty and sixteen years of age, living within a mile of each side of Combee and Chehaw rivers, and on the point of land lying between Combee and Chehaw rivers, shall make, cut, and keep in repair, the aforesaid creek; and that John Palmer, John Hilliard, and Isaac Steward, or any two of them, are hereby appointed and empowered commissioners for the same, and they shall have the same power, and be under the same restrictions, as any other commissioners for highways and creeks have in this Province.

XV. *And be it further enacted* by the authority aforesaid, That a clause in an Act entitled "An additional Act to an Act to the several highway Acts," ratified in open Assembly, the seventh day of June, Anno Domini 1712, relating to making a high road from New London, (formerly called Wilton,) road, to the end of the present bridge, over South Edisto river; the said clause is hereby declared to be repealed, annulled and made void.

Cut from Chehaw creek into Witchcaw.

Act ordering road from Wilton to S. Edisto river, repealed.

*Read three times and ratified in open Assembly,
this twelfth day of June, Anno Dom. 1714.*

CHARLES CRAVEN,
CHARLES HART,
RA. IZARD,
RICH'D. BERESFORD,
SAM. EVELEIGH.

Repealed by Act of 1721.

A. D. 1714.

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No. 346. AN ACT FOR MAKING A HIGH-ROAD OUT OF ASHLEY RIVER ROAD, TO THE PLANTATION OF THOMAS OSGOOD, NEAR PONPON RIVER.

Preamble.

WHEREAS, it is necessary, for the ease of the inhabitants who live on the South side of Ashley river, towards the head of the said river, to have a road from the plantation of Thomas Osgood, to that part of the Ashley river road lying between the plantations of Mr. Thomas Waring and Col. Persivall.

Road out from
Ashley river
road to Os-
good's, near
Pon Pon.

1. *Be it therefore enacted*, by his Excellency the Palatine, and the rest of the lords and proprietors of this Province, with the advice and consent of the rest of the members of the General Assembly, now met at Charles-town for the South-west part of this Province, and by the authority of the same, That with all convenient speed, after the ratification of this Act, at the equal charge and labor of all male persons, their servants and slaves, from sixty to sixteen years of age, living and inhabiting on the south-west side of Ashley river swamp, between the following lines, viz: a south-west line from the southernmost corner of Capt. Peter Slann's land, to South Edisto river, inclusive, to a west line from the northernmost corner of that part of Col. Persivall's land, on the south-west side of Ashley river swamp, to be continued to South Edisto river; and on the north-east of South Edisto river, between the aforesaid lines, shall make, and hereafter keep in repair, one common road or highway, with bridges and causways, from the plantation of Thomas Osgood jun., near South Edisto river, to the most convenient part of the Ashley river road, lying between the plantation of Mr. Thomas Waring and Col. Persivall, at the direction of the commissioners hereafter named.

II. *And be it further enacted* by the authority aforesaid, That Thomas Osgood, jun., Stephen Douse, and John Symonds, jun. or any two of them, are hereby nominated, commissioned, and are hereby authorized, to appoint and lay out the aforesaid highway, which shall be made sixteen foot wide, sufficient for carts to pass, and to appoint when, how long, and in what place, every respective person shall work and labor until the same is completely finished. *Provided, always*, and it is hereby intended, that no person do more, as near as possibly can be computed, than his equal proportion of the said labor; and the said commissioners are hereby directed to have the same powers, for the better enabling them to make, finish, and keep in repair, the said road, as any commissioners for highways now have by virtue of any Act relating to highways now in force; and they, and all people therein concerned, shall be under the same fines and forfeitures for neglecting his or their duty, as is in any other Act of this Province directed.

*Read three times and ratified in open Assembly,
the 18th day of December, 1714.*

CHARLES CRAVEN,
CHARLES HART,
RA. IZARD,
HUGH BUTLER,
SAM. EVELEIGH,
ROBT. DANIELL.

Repealed by Act of 1721.

Acts relating to Roads, Bridges and Ferries.

A. D. 1715.

AN ACT FOR MENDING AND KEEPING IN REPAIR THE CAUSWAY OVER THE MARSH OF COMBEE RIVER, IN COLLETON COUNTY.

WHEREAS, the road or causway over the marshes of Combee river, in Colleton county, is the principal highway from Charlestown and other parts of this Province, to the town of Beaufort, on Port Royal; and the keeping the same in repair is likely to prove very burthensome to the adjacent inhabitants, who are, for the most part, of small abilities, and few in number; therefore, for the more easy effecting the same,

I. *Be it enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute lords and proprietors of Carolina, by and with the advice and consent of the General Assembly, now met at Charlestown, for the south-west part of this Province, That in thirty days after the ratification of this Act, it shall be lawful for Mr. Joseph Bryan, the present keeper of the ferry over Combee river, and for the keeper of the said ferry for the time being, to demand and receive from all persons which shall pass over the said ferry, half a rial for a man, and one rial for a man and horse, more than the said Joseph Bryan, the present keeper of the said ferry, or the keeper of the said ferry for the time being, might lawfully demand and receive by virtue of any law now in force.

Causway over
marsh of Com-
bee river, to be
repaired.

II. *And be it further enacted* by the authority aforesaid, That the said Joseph Bryan, or the keeper of the said ferry for the time being, shall keep a fair account of all such sums of money as he shall receive by virtue of this Act, and yearly, on the first of October, give the same, upon his or their oath, to the commissioners of the highway, or any two of them, appointed for the parish of St. Bartholomews, in Colleton county; and if the said Joseph Bryan, or the keeper of the ferry for the time being, shall either refuse or neglect to render an account to the said commissioners of the highways, of all such monies as they shall receive by virtue of this Act, that then the said Joseph Bryan, or the keeper of the ferry for the time being, shall forfeit the sum of fifty pounds, to be recovered by any of the said commissioners, or any other person that shall sue for the same, in any court of record in this Province, by bill, plaint or information, wherein no injunction or stay of prosecution shall be admitted or allowed of; two thirds of the said forfeitures to be applied to the mending and repairing the said causway, and the other third to him or them that shall sue for the same.

III. *And be it further enacted* by the authority aforesaid, That the commissioners of the high roads for the time being, that are or shall be appointed by the laws of this Province for the parish of St. Bartholomew's, or any two of them, shall, yearly, in the aforesaid month of October, repair to the said causway over the said marshes of Combee river, and having viewed the same, shall order such repairs and mending as they shall think, in their discretion, is fitting, and agree with any person or persons, either by the great or by the day, for perfecting the said works, and order them their payment out of such monies as shall be collected by virtue of this Act; and if there be any overplus of money, after the necessary repairs are finished, and other necessary charges are deducted, remaining in the hands of the said Joseph Bryan, or the keeper of the said ferry for the time being, that then the said Joseph Bryan, or the keeper of the said ferry for the time being, shall, by order of the said commissioners, pay the same unto the public receiver of this Province, to be disposed of by order of the General Assembly.

IV. *And be it further enacted* by the authority aforesaid, That this Act

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continue in force three years, and from thence to the end of the next session of the General Assembly, and no longer.

*Read three times, and Ratified in open Assembly,
February the 25th, 1714—5.*

CHARLES CRAVEN,
CHARLES HART,
JOSEPH BOONE,
NICHOLAS TROTT.
SAM. EVELEIGH,
ROBT. DANIELL.

No. 375. AN ADDITIONAL ACT TO AN ACT ENTITLED "AN ADDITIONAL ACT TO THE SEVERAL ACTS FOR MAKING AND REPAIRING OF HIGHWAYS," RATIFIED THE SEVENTH OF JUNE, ONE THOUSAND SEVEN HUNDRED AND TWELVE.

WHEREAS, by an Act duly ratified in open Assembly, the seventh day of June, in the year of our Lord one thousand seven hundred and twelve, entitled "An additional Act to the several Acts for making and repairing of highways," amongst other things therein contained, it was enacted that an high-road should be laid out from the plantation or Thomas Perriman to the Church at Goose creek; and that a bridge be made on the same road, over Goose creek, in some convenient place about the plantation of Landgrave Thomas Smith. And *whereas*, it is found necessary that the said road be farther continued, as far as the causway leading to the ferry on Cooper river; and that a bridge be likewise made over Forster's creek, for the conveniency of the several inhabitants living and residing within those respective bounds and limits, whereby they may have an easy communication by land, amongst themselves, and likewise to other parts of this Province, as well on public as their own private occasions.

Road across
Goose creek to
be continued to
Cooper river.

Bridge over
Forster's
creek.

I. *Be it therefore enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute lords and proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown, for the south and west part of the said Province, and by the authority of the same, That an high road be laid out from the north-east side of Goose creek, over against the plantation of Landgrave Thomas Smith, to the causway leading to the ferry on Cooper river; and that a bridge be made on the same road, over Forster's creek, at such fit and convenient place as the commissioners herein named shall order and direct; and that the said road and bridge be made at the equal charge and labor of all male persons, as well whites as slaves, from the age of sixteen to sixty years of age, living and residing betwixt the said road and Cooper river, on the south-west side of Goose creek; and those several male persons, as above specified, who live on the east side of

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the high road leading from Goose creek bridge, to the plantation of Mr. Thomas Baker, inclusive; and those in like manner who live on the east side of that plantation, leading to the causway aforesaid, to the plantation of Maj. David Durham, inclusive; all which said persons so to be employed in making the said road and bridges, are hereby directed to be freed and discharged from all other labor or expense on any other high-road; any law to the contrary notwithstanding. And that Col. George Chicken, Maj. David Durham, Maj. John Herbert, Capt. Roger Moore, Capt. Thomas Smith, or any three of them, are appointed commissioners for making the highway and building the bridges aforesaid; and shall have power to carry the said road to one or more convenient place or places, as they shall see occasion or think fit; (excepting that those inhabitants who have been at any labor or expense in making the road from the plantation of Thomas Perriman to the designed bridge over Goose creek, and the causways on the said road, pursuant to the law ratified the seventh of June, one thousand seven hundred and twelve, shall be exempted from any labor or charge in making the said road, and building the bridge aforesaid, prescribed in this Act; *provided*, they keep in good repair the said road, bridges and causways;) and likewise have the same full powers, in every respect, and be under the same restrictions, as any other commissioners for making highways now have in any part of this Province; and that whatsoever constable shall refuse or neglect to execute any warrant to him directed by the aforesaid commissioners, pursuant to the powers to them derived by this Act, he shall be liable to the same fine and penalty, in that case, as the constables in the above recited Act are in the like case liable.

*Read three times and ratified in open Assembly,
the twenty-ninth day of June, 1717.*

ROBT. DANIEL.
THO. SMITH.
CHARLES HART,
GEORGE CHICKEN.
FRA'S. YONGE.
SAM. EVELEIGH.

Repealed by Act of 1721.

AN ACT FOR REPAIRING THE ROAD FROM THE PLANTATION OF THE No. 376.

LATE DANIEL HUGER, DECEASED, IN THE PARISH OF SAINT JAMES SANTEE, TO THE PLANTATION OF CAPTAIN BARTHOLOMEW GAILLARD; AND FOR MAKING A ROAD FROM THE SAID BARTHOLOMEW GAILLARD'S PLANTATION, TO THE PLANTATION OF MR. FRANCIS WILLIAMS; AND ALSO, FOR BUILDING A BRIDGE OVER ECHAW CREEK, AND OTHER BRIDGES OVER SMALL CREEKS LYING IN THE SAID ROADS.

WHEREAS, the several inhabitants of the Parish of St. James Santee, living on the south and north sides of Santee river, by their petition to

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the late General Assembly of this Province, setting forth that the roads in their quarter, viz:—from Mr. Daniel Huger's plantation to Captain Bartholomew Gaillard's plantation, and from the said Bartholomew Gaillard's plantation to the plantation of Mr. Francis Williams, are extremely out of repair; and further thereby representing the great inconveniences they labor under for want of a convenient bridge over Echaw creek, and other small bridges over the creeks lying in the said roads, and praying the said roads may be put into repair; and that a new road may be marked and made in the most convenient place from the said Bartholomew Gaillard's plantation to the plantation of the said Francis Williams; and that all the said bridges and roads may be made and kept in repair at the charge of the said inhabitants on the south and north sides of Santee river.

Road from
Huger's to
Gaillard's, and
from Gaillard's
to Williams's.

I. *Be it therefore enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south and west part of this Province, and by the authority of the same, That the commissioners hereinafter named shall have power, and they are hereby authorized and empowered, forthwith to amend and put in repair the road from the said Mr. Daniel Huger's plantation to the plantation of the said Captain Bartholomew Gaillard; and to lay out and make a new high road in the most convenient places, as to the said commissioners shall seem fit, from the plantation of the said Bartholomew Gaillard to the plantation of the said Francis Williams; and also, to erect, build and make, a good, strong and sufficient bridge for foot and horse, over the creek commonly called Echaw creek, together with such small bridges over the creeks lying in the roads aforesaid, as to the commissioners shall be thought needful; which said roads and bridges so to be repaired and made, shall be repaired and made, from time to time, kept in good order and repair, at the costs and charges of the several inhabitants that have plantations in the said settlements on the south and north sides of Santee river aforesaid.

Bridge over
Echaw.

II. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named are hereby authorized and empowered to assess and levy a certain sum of money on the inhabitants living on the south and north sides of Santee river aforesaid, for defraying the charges of putting in repair the said road from the said Mr. Daniel Huger's plantation to the said plantation of Captain Bartholomew Gaillard; and also, for making the said new road and bridges aforesaid; and in case the sum so to be raised shall not be sufficient for the purposes aforesaid, then the said commissioners shall have power to raise another sum for paying the whole charge of amending and making the road and bridges aforesaid; which said sum so to be raised and levied by the said commissioners on the inhabitants aforesaid, shall be raised and levied, rateably and proportionably, according to the number of negroes, mustees, Indians and mulattoes, each of the inhabitants are possessed of, without any distinction to be made of the said negroes, mustees, Indians or mulattoes; *provided*, they are not under sixteen, nor above sixty years of age; and the commissioners aforesaid are hereby likewise required and empowered, from time to time, to keep the said roads and bridges in good order and repair, at the charge of the said inhabitants, to be levied and raised in manner as aforesaid.

III. *And be it further enacted* by the authority aforesaid, That Bartholomew Gaillard, Peter Robert John Guerri, Noe Serre, and Elias Horry,

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be, and are hereby declared and appointed, commissioners for making, amending, repairing, and keeping in repair, the roads and bridges aforesaid, and for raising and levying the sums of money on the inhabitants aforesaid, for defraying the charges of the same.

IV. *And be it further enacted* by the authority aforesaid, That in case any difference shall arise between the commissioners aforesaid, touching the matters aforesaid required of them by this Act, the same shall be determined by a majority of them; and the commissioners aforesaid are hereby authorized and empowered; in case any of them shall happen to die, go off this province, or refuse to act, or be rendered incapable to act, by reason of sickness or other accident, to nominate and choose another in the room or stead of him or them so dying, going off or refusing to act, or being rendered incapable to act, as aforesaid.

V. *And lastly*, it is hereby declared and enacted by the authority aforesaid, That the commissioners aforesaid shall have such other powers and authorities, and be under such other restrictions and limitations, as any other commissioners for making of highways and building of bridges now have in any part of this Province. Powers of commissioners.

*Read three times and ratified in open Assembly,
the twenty-ninth day of June, 1717.*

ROBT DANIELL,
THOS. SMITH,
GEORGE CHICKEN,
CHAS. HART.
SAM. EVELEIGH.

Repealed by Act of 1721.

AN ACT FOR MAKING A ROAD FROM MR. RICHARD WOODWARD'S PLANTATION, ON JAMES ISLAND, TO THE PLANTATION OF MR. RICHARD GODFREY; AND BUILDING A BRIDGE OVER WAPP00 CREEK. No. 378.

WHEREAS, the inhabitants of James Island labor under many inconveniences for want of a convenient road and causway, from the plantation of Mr. Richard Woodward, to the plantation of Mr. Richard Godfrey; and a bridge to be made over Wappoo creek, which the said inhabitants are willing should be done at their own proper charges.

I. *Be it therefore enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south and west part of this Province, and by the authority of the same, That the commissioners hereafter named shall have full power and authority, and they are hereby empowered and authorized, with all convenient speed, to mark out and make a road of sixteen feet in width, from the plantation of Mr. Richard Woodward, on James Island, to the plantation of Mr. Richard Road from Woodward's to Godfrey's, and bridge over Wappoo creek.

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Godfrey, in such convenient places as to the said commissioners shall seem meet; and also, to build and make a good, strong, and sufficient bridge for foot and horse, at least six feet high above high-water mark, over Wap-poo creek; and also, to make one or more causways or other small bridges in the road aforesaid, as to the commissioners shall be thought needful.

Inhabitants as-
sessed.

II. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, be, and are hereby, authorized and empowered to raise and levy a certain sum on the inhabitants aforesaid, for defraying the charges of making the said road and causways, and building the bridges aforesaid; which said sum so to be raised and levied, shall be raised and levied by the said commissioners, or any two of them, on the inhabitants aforesaid, rateably and proportionably, according to the number of all male persons, as well white persons as slaves, residing on the said island, from the age of sixteen to sixty; or otherwise, the said road, bridge or causways, shall be made by the personal labor of the said inhabitants and slaves, proportionably, as aforesaid; and the commissioners hereafter named shall have full power either to accept of the said inhabitants, their proportionable payment of monies, or the personal labor of them and the slaves as aforesaid, towards defraying the charges aforesaid, according as the said inhabitants may live remoter or nearer to the said intended road, and as to the said commissioners may be thought most convenient; and the commissioners hereafter named are hereby likewise fully authorized and empowered, at the charge of the said inhabitants, to be raised and levied in manner as aforesaid, to keep the said road, causways and bridges, in good and sufficient repair, when and so often as need shall require.

Commissioners

III. *And be it further enacted* by the authority aforesaid, That Mr. William Wilkins, Captain Arthur Hall, Mr. Richard Woodward, or any two of them, be, and are hereby declared and appointed, commissioners for making the roads, causways, and bridges aforesaid, and for raising and levying the sums of money on the inhabitants aforesaid, for defraying the charges of the same, and for keeping the road, causways, and bridges, from time to time, in good and sufficient repair, in manner as before in this Act is directed.

Powers.

IV. *And be it further enacted* by the authority aforesaid, That in case any difference shall arise between the commissioners aforesaid, touching the matters aforesaid required of them by this Act, the same shall be ordered and determined by a majority of them; and the commissioners aforesaid, or a majority of them, are hereby authorized and empowered, in case any of them shall happen to die, go off, or refuse to act, or be rendered incapable to act, by reason of sickness or other accident, to nominate and choose another commissioner or commissioners, in the room and stead of him or them so dying, going off or refusing to act, or being rendered incapable to act, as aforesaid.

V. *And it is hereby declared and enacted* by the authority aforesaid, That the commissioners aforesaid shall have all such other powers and authorities, and be under such other restrictions and limitations, as any other commissioners for making of highways and building of bridges now have in any other part of this Province.

VI. *And be it further enacted* by the authority aforesaid, That the constable or constables for St. James Island aforesaid, for the time being, shall give due obedience to any orders, summons or warrants from the commissioners aforesaid, for the summoning the said inhabitants, or for raising and levying the sums aforesaid; and for every default or neglect of the said constable or constables in the premises, he or they shall forfeit the sum of five

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pounds, to be levied on him by a warrant under the hands of any two of the said commissioners, to be directed to the constable of the parish or precinct next adjacent, who is hereby empowered to execute the said warrant accordingly; in case of his refusal to comply with the said warrant, shall likewise convey him to the Marshalsea in Charlestown, there to remain till he have satisfied the same.

*Read three times and ratified in open Assembly,
the 29th day of June, 1717.*

ROBT. DANIELL,
THOS. SMITH,
GEORGE CHICKEN,
CHARLES HART,
FRANCIS YONGE.

Repealed by Act of 1721.

AN ACT FOR BUILDING A BRIDGE OVER THE WESTERN BRANCH OF COOPER RIVER, AT OR NEAR CHILDSBURY TOWN, ALIAS THE STRAWBERRY. No. 391.

WHEREAS, the building of bridges over the creeks and rivers of this Province are of the greatest use, as well for the public security, in case of an Indian disturbance or other enemy, as for the ease, advantage, private communication, and service of the inhabitants thereof; and *whereas, also*, for want of a bridge over the said western branch of Cooper river, and by reason of the uncertainty of the ferry at Childsbury aforesaid, and the great danger of the causway on the south side of the said ferry, which is half a mile in length, very narrow and scarcely passable, the inhabitants living in and about that part of the said river, and persons travelling to and from the north part of this Province, are obliged to go about by Biggin bridge, which is seventeen miles round.

I. *Be it therefore enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south and west part of this Province, and by the authority of the same, That Captain Jonathan Drake, Daniel Huger, Esquire, Elias Ball, Isaac Child, and Mr. George Livingston, be, and are hereby, appointed commissioners, as well for building the said bridge, enlarging and putting the said causway in repair, and for repairing the roads, as hereinafter is mentioned.

II. And *whereas*, some persons have proposed the building the bridge aforesaid at their own private charge, in consideration of the allowances hereinafter mentioned to be given to the undertakers thereof. *Be it therefore enacted* by the authority aforesaid, That the commissioners aforesaid, or any three of them, shall and are hereby empowered to treat with any person or persons who shall be minded to build the said bridge at Childsbury aforesaid, at his own proper charge, as to the method and manner of building the same, so that the said bridge do not contain less than twelve feet in width; and that all and every person or persons who shall undertake

Bridge over
Cooper river at
Strawberry.

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the building of the said bridge, to the satisfaction of the said commissioners, or any three of them, and shall finish the same, shall, and is hereby declared to have, the sole and absolute property of the said bridge; and that the fee simple and inheritance of the same bridge, and also, all such passage money as every person hereinafter mentioned shall be hereby obliged to pay, for themselves, cattle, carriages, and passages of ships, sloops, other vessels and periagoes, shall and is hereby declared to be, vested in such undertaker, who shall undertake with the said commissioners to build the bridge aforesaid and finish the same, and the heirs and assigns of such undertaker for ever.

III. and for the better encouragement of the said undertaking, *Be it further enacted* by the authority aforesaid, That the said undertaker, his heirs and assigns, shall be, and is hereby, empowered to fell, cut down, cart, and carry away, off and from any plantation adjacent to the said place where the said bridge is intended to be built, all such timber and timber trees, as he, the said undertaker, his heirs and assigns, shall have occasion for, from time to time, for building the said bridge and keeping the same in repair, without paying any thing for the same.

IV. *And be it further enacted* by the authority aforesaid, That one acre of land shall be appropriated and annexed to the said bridge on each side of the said river where the said bridge shall be built, the undertaker paying to the owner or owners of the said land the full value of the said two acres, as it shall be adjudged by the said commissioners, for a small house and other conveniences of the person who shall be appointed by the said undertaker, to give a constant attendance at the bridge aforesaid, for opening the draw-bridge for the passage of ships and vessels, and receiving the perquisites and fees of the persons who are liable to pay the same.

Toll. V. *And be it further enacted* by the authority aforesaid, That all persons passing the said bridge, by themselves, or with their cattle, carriages, ships, vessels, and periagoes, shall pay unto such undertaker or his agent, who shall build and finish the said bridge, the following rates, viz:—each footman, half a ryal; man and horse, a ryal; all cattle, half a ryal; hogs and sheep, half a ryal; ships, sloops, and other vessels, for passing and repassing the same, forty shillings; periagoes and other boats, if they shall desire the opening of the bridge, five shillings for passing and repassing as aforesaid; all which said sums shall be paid to the said undertaker, his heirs and assigns, in current money of this Province.

VI. *And be it further enacted* by the authority aforesaid, That in case any person, in passing the said bridge, shall happen to do any damage thereto, by his ship, vessel, or periagoe, or any other way, the master or owner of such ship, vessel or periagoe, or whoever damages the same, shall forthwith make satisfaction for such damage to the undertaker and builder of such bridge, his heirs and assigns, the value whereof, not exceeding forty shillings, any one or more of the said commissioners shall be judges, and shall grant a warrant, (provided he be in the commission of the peace,) for the levying the same, according to the directions of the Act for trial of small and mean causes; but if the damage so done to the said bridge do exceed the value of forty shillings, the undertaker aforesaid, his heirs and assigns, shall and may have his action on the case, against such owner or master, or other person, to recover such damages, with costs of suit, at any court of common pleas to be holden for this Province.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid shall forthwith cause the said causway leading to the

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ferry at the Strawberry or Childsbury aforesaid, to be made twelve feet wide, and well and sufficiently repaired; and also, to make a new causway on Childsbury side, to lead from the main land to the foot of the bridge aforesaid; and also, to cause all that and those roads that lead from Childsbury ferry to Boneau's ferry, and from Childsbury ferry aforesaid to the plantation commonly called Silk Hope, inclusive; and on the western side of Cooper river, all that road that leads from Childsbury ferry aforesaid, to the plantation of William Normon, exclusive; which said roads and every of them to be repaired, shall be repaired and amended, from time to time, by the labor of all male persons, as well whites as slaves, from sixteen to sixty, (at the discretion of the said commissioners, in proportion as they shall see occasion,) of the several inhabitants that live and reside from the plantation of Silk Hope, inclusive, to the plantation of Daniel Huger, Esquire; and so along the western side of the eastern branch of Cooper river, including Childsbury; and from thence along Cooper river to Watt-boo, exclusive; and from thence in a direct line to Mr Huger's aforesaid; and that the said commissioners shall have power, and they are hereby empowered, (if they find it necessary to build any bridge or bridges over any creek or river in any of the roads so to be made as aforesaid,) to agree with any person or persons for building the same, and to pay for the same by an equal assessment on the slaves of the several inhabitants residing in the precincts aforesaid; and if any one shall refuse to pay the same, then, and in such case, it shall be lawful for the commissioners aforesaid, or any three of them, by a warrant under their hands and seals, directed to any constable of the said precincts, to levy the same on the slaves, goods or chattels of any such defaulters; and by the inhabitants on the western side of Cooper river, from the plantation of Mr. Samuel Wragg, exclusive, taking in the inhabitants to the eastward of a direct line from said Mr. Wragg's to William Norman's, exclusive; and from thence in a direct line to Court Baw, including all the inhabitants betwixt that and Cooper river; and that the said inhabitants be, and are hereby, exempted from working on any other road whatsoever; any former Act to the contrary hereof in any wise notwithstanding.

VIII. *And be it further enacted*, That the commissioners aforesaid, three whereof shall be a quorum, shall meet at Childsbury aforesaid, on the nineteenth day of March next, ensuing, for the purposes aforesaid, and on the nineteenth of September, yearly, and as often at all other times as they shall see occasion; and that the commissioners aforesaid, or any three of them, shall have the same powers and authorities in relation to the premises, and for amending and repairing the said roads and keeping the same in repair, in forcing said male persons to work, and making warrants of distress against defaulters, and otherwise, as are given to any the commissioners of roads by virtue of any Act of General Assembly heretofore made in this Province.

IX. *And be it further enacted* by the authority aforesaid, That the Act for erecting a ferry at Childsbury aforesaid, from and after the finishing of the said bridge and causways, be, and is hereby declared to be, repealed; and that all other commissioners heretofore nominated for repairing and mending of the roads hereby appointed to be repaired and amended by the commissioners herein named, be, and are hereby, discharged from the said office; and also, that the commissioners hereby appointed, or the major part of them, in case any of them shall happen to die, go off, or refuse to

Causway at Strawberry.

Act to charter the ferry, repealed after bridge is finished.

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act, shall have power to nominate and choose another commissioner in the room and stead of him so dying, going off or refusing to act, who shall have the same powers and authorities as hereinbefore is given to any of the commissioners hereinbefore named.

Repairs.

X. *And be it further enacted* by the authority aforesaid, That in case the proprietor or proprietors does neglect to repair and amend the said bridge when duly required thereto by the commissioners, the said commissioners shall have power, and are hereby empowered, to get the said bridge repaired so that it be safe and convenient for passengers; and the charges thereof, if it does not exceed forty shillings, to be recovered from the proprietor by the majority of the commissioners, according to the Act for trial of small and mean causes; and if it does exceed forty shillings, then to be recovered by action on the case; *Provided*, the damage so repaired has not happened by some unforeseen accident, and not neglect.

How it may be made a public bridge.

XI. *And be it enacted* by the authority aforesaid, That in case the public shall think fit, after the expiration of ten years, to redeem the said bridge for public use, it may and shall be lawful, and the General Assembly does hereby reserve to themselves, the power to purchase the said bridge, paying to the proprietors the sum which shall be adjudged by proper persons, to be appointed by the General Assembly, to be the value of the said bridge at the time they shall demand the same.

*Read three times and ratified in open Assembly,
the 20th February, 1718—9.*

ROBT. JOHNSON,
A. SKEENE,
NICHOLAS TROTT.
CHAS. HART.
THOS. BROUGHTON,
FRANCIS YONGE.

Repealed by Act of 1721.

No. 411. AN ACT FOR THE MAKING OF A ROAD OR HIGHWAY FROM JOHNSON'S FORT, ON JAMES'S ISLAND, TO THE WEST END OF THE CAUSWAY LEADING TO WAPPOO BRIDGE, AND FROM THE SAID CAUSWAY INTO THE HIGH ROAD LEADING FROM THE PLANTATION OF MR. WM. GIBBES, TO THE CHURCH OF ST. ANDREW, ON THE SOUTH SIDE OF ASHLEY RIVER; AND FOR EXPLAINING THE FIRST CLAUSE OF AN ACT OF ASSEMBLY OF THIS SETTLEMENT, RATIFIED THE TENTH DAY OF NOVEMBER, 1711, RELATING TO THE CUTTING AND MAKING A PATH OUT FROM THE ROAD ON THE NORTH SIDE OF ASHLEY RIVER, TO THE TOWN OF WILTON, IN COLLETON COUNTY.

WHEREAS, the want of convenient roads, upon all occasions, hath much prevented the uniting of our forces in the defence of this Colony: therefore, for the speedy conjunction of the same, and the easier commu-

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nicating and carrying on of any alarms in this time of war, as well as for the conveniency of the inhabitants of this settlement, for all other occasions,

I. *Be it enacted* by the Honorable James Moore, Esq., Governor, by and with the advice and consent of the Council and the Representatives of the inhabitants of this settlement in South Carolina, now assembled at Charlestown, and by the authority of the same, That with all convenient speed, after the passing of this Act, at the equal charge and labor of all male persons, as well whites as slaves, from sixteen years of age to sixty, inhabiting upon James's Island, shall be made, mended and kept clear, one convenient road and highway from Johnson's Fort, on that island, to the west end of the causway leading to Wappoo bridge, at least sixteen feet wide, at the discretion of the commissioners hereafter named; and that Maj. Arthur Hall, Mr. William Wilkins, Mr. John Kearn, Mr. John Witter, and Mr. John Sandiford, or any three of them, be commissioners; and that they have the same full powers, and be under the same restrictions and penalties, as any other commissioners of the highways now have and are under, by virtue of any Act or Acts relating to the highways now in force in this settlement.

Road from
Fort Johnson
to Wappoo
Bridge.

II. *And be it further enacted* by the authority aforesaid, That with all convenient speed, after the passing of this Act,, at the equal charge and labor of all male persons, as well whites as slaves, from sixteen years of age to sixty, inhabiting from the plantation of Mr. William Gibbes, inclusive, to the bridge over Cuppain creek, inclusive, and all the inhabitants of the south-east side of the said creek, inclusive, shall be made, mended and kept clear, one common road and highway, from the west end of the causway leading to Wappoo bridge, into the high-road leading from the plantation of Mr. William Gibbes, to the Church of St. Andrew, on the south side of Ashley river; and that the said road and high-way be at least sixteen feet wide, at the discretion of the commissioners hereafter named; and that Col. William Bull, Mr. John Godfrey, and Mr. Samuel Jones, or any two of them, be commissioners; and that they have the same powers, and be under the same restrictions and penalties, as any other commissioners of the highways now have and are under, by virtue of any Act or Acts relating to the highways, now in force in this settlement.

III. *And whereas*, some doubts and scruples have arisen, concerning the powers and authority of the present commissioners for the road from south Stono to Wilton, as empowered by an Act entitled "An additional Act to an Act entitled an Act for the cutting and making a path out from the road on the north side of Ashley river, to the town of Wilton, in Colleton county," ratified in open Assembly the ninth day of April, in the year of our Lord one thousand seven hundred and six; and by one other Act entitled "An additional Act to the several Acts for making and repairing the highways," ratified in open Assembly, the seventh day of June, in the year of our Lord one thousand seven hundred and twelve. *It is hereby enacted* by the authority aforesaid, That they, the said commissioners, or any of them, shall not be liable to or incur any pains, fines or penalties for their acting or doing any thing to the said road or path from south Stono to Wilton, or to or for any bridges on the said road; any thing or things in the above said recited Acts, or in the first clause of one other Act of this settlement, relating to the cutting and making a path out from the road on the north side of Ashley river, to the town of Wilton, in Colleton county, ratified in open Assembly, the tenth day of November, in the year of our Lord one

Road from S.
Stono to Wil-
ton.

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thousand seven hundred and eleven, to the contrary thereof contained, in any wise notwithstanding; and that the present commissioners for the road from South Stono to Wilton, who of late have and do continue to act as such, are hereby declared to be commissioners for the said road, and shall, from the time of the passing of this Act, have and be invested with as full powers and authority, to all intents, constructions and purposes, and be likewise under the same restrictions and penalties, as any other commissioners of the highways now have and are under, by virtue of any Act or Acts relating to the highways, now in force in this settlement.

Bridge over
Stono river to
be repaired.

IV. *Whereas*, the bridge over the north-east branch of Stono river is very much out of repair; and as the charge of making the same good will be too great a burden for the inhabitants to bear, who live thereabouts, and are obliged to make, mend and keep in good repair, the road from south Stono to Wilton, *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for any three or more of the commissioners of the highways from South Stono to Wilton, to draw an order, under their hands, on the public receiver, for the payment of the sum of one hundred and thirty pounds, current money, out of the public treasury, towards defraying the charges of making good the said bridge; (the said commissioners certifying therein that the said bridge is finished;) and the public receiver is hereby required to pay the same accordingly.

Toll.

V. And, in order to the keeping the said bridge, when finished, in good order and repair, *it is hereby declared and enacted*, That it shall and may be lawful to and for the said commissioners, and they are hereby impowered, to impose and exact, by way of toll, the sum of twelve pence per head, on all neat cattle, by any persons driven over the said bridge; which said money, arising thereby, they shall appoint a person or persons to receive; and are also hereby empowered to lay out the same upon and towards the keeping the said bridge in good order and repair, and to none other use, intent or purpose whatsoever; and in case of failure of payment of the said toll, by any person, the same shall be recovered of and from every such person refusing, as in the Act for the trial of small and mean causes is directed.

Bridges, rule
for keeping in
repair.

VI. *And be it further enacted* by the authority aforesaid, That in every part of this settlement of South Carolina, where a bridge of fifty feet or more is already made over any river or creek, the proper commissioners therein concerned shall be, and they are hereby, impowered, in order to keep such bridges in good order and repair, to impose and exact the like toll, as in the last recited clause mentioned, and to be applied for the same uses and purposes; and that the said toll be recovered after the same manner as is therein expressed; any Act, law, custom or usage to the contrary thereof, in any wise, notwithstanding.

I do assent to this Act, this 12th day of February,
Anno Domini 1719.

JA. MOORE.

Repealed by Act of 1721.

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AN ACT FOR CONTINUING THE ROAD ON THE SOUTH SIDE OF ASHLEY RIVER, FROM THE CREEK COMMONLY CALLED JACOB'S OR WAIT'S CREEK, TO WESTO SAVANA, INCLUSIVE. No. 412.

WHEREAS, the want of convenient roads, upon all occasions, hath much prevented the uniting of our forces in the defence of this Colony : therefore, for the speedy conjunction of the same, and the easier communicating and carrying on any alarms in this time of war, as well as for the conveniency of the inhabitants of this settlement for all other occasions ;

I. *Be it enacted*, by the Honorable James Moore, Esq., Governor, by and with the advice and consent of the Council and the Representatives of the inhabitants of this settlement in South Carolina, now assembled at Charles-town, and by the authority of the same, That with all convenient speed, after the passing of this Act, at the equal charge and labor of all male persons, as well whites as slaves, from sixteen years of age to sixty, inhabiting on the south side of Ashley river, from the plantation of Richard Bedon, inclusive, to Westo Savana, inclusive, shall be made, mended and kept clear, at the discretion of the commissioners hereafter named, one common road or highway, at least sixteen feet wide, from the creek commonly called Jacob's or Wait's creek, to Westo Savana, inclusive ; and that Alexander Skene, Esq., Mr. Richard Bedon, and Mr. Peter Goulding, or any two of them, be commissioners for the doing thereof ; and that they have the same powers, and be under the same penalties and restrictions, as any other commissioners now have and are under, by virtue of any Act or Acts relating to the highways, now in force in this settlement.

I do assent to this Act, this 12th day of February,
Anno Domini 1719.

JA. MOORE.

Repealed by Act of 1731.

AN ACT TO EMPOWER THE SEVERAL COMMISSIONERS OF THE HIGH-ROADS, PRIVATE PATHS, BRIDGES, CREEKS, CAUSEYS, AND CLEANSING OF WATER-PASSAGES, IN THIS PROVINCE OF SOUTH CAROLINA, TO ALTER AND LAY OUT THE SAME, FOR THE MORE DIRECT AND BETTER CONVENIENCY OF THE INHABITANTS THEREOF. No. 442.

WHEREAS, it is found inconvenient to have many laws in this Province for the making and keeping in repair the several highways therein, and for that it is now necessary to compose the same in one entire law, and to give further powers to the commissioners therein named, than any heretofore have had, in laying out both public and private paths, making causeys not exceeding twenty feet in width, building bridges not exceeding forty feet in length, clearing of water-courses and creeks, in order that the

Preamble.

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same may be made, altered and kept in repair, for the better communication of the inhabitants of this Province, on all occasions, in the several and respective parishes and precincts hereinafter named—we pray your most sacred Majesty that it may be enacted,

Commissioners
for the high-
roads in the
parish of St.
Philip.

I. *And be it enacted*, by his Excellency Francis Nicholson, Esq., Governor, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, That the Honorable Ralph Izard, Esq., Col. Michael Brewton, Mr. John Pendarvis, Mr. Thomas Fairchild, and Mr. Daniel Green, be commissioners for all the high-roads, private paths, causeys, bridges, creeks, passages and water-courses, laid out and to be laid out, made and to be made, mended, cleared and altered, in the parish of St. Philip's, Charlestown; and that the road from Charlestown to the Quarter-House, be made forty feet in breadth.

Inhabitants to
be assessed.

II. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid shall be, and they are hereby, empowered equally and indifferently to assess all the inhabitants of the said parish, according to their several estates within the same, in order to raise such sum and sums of money as will be necessary and wanting to mend and repair the public roads, creeks, bridges and passages in the said parish; and in case any of the said inhabitants shall refuse or neglect to pay such sum or sums of money so assessed as aforesaid, that then it shall and may be lawful for the said commissioners, and they are hereby empowered, to issue a warrant, under their hands and seals, directed to any lawful constable in the said parish, to levy on the goods and chattels of such persons as shall refuse or neglect to pay, as aforesaid, the sums of money assessed on them, as aforesaid, and to expose the said goods to public sale, returning the overplus, if any there be, to the owner of the said goods, deducting the reasonable charges on the said warrants.

Commissioners
for Christ
Church parish.

III. *And be it further enacted* by the authority aforesaid, That Capt. Thomas Lynch, Maj. John Vanderhost, Thomas Barksdale, Jonas Bonhost, John Huggins, David Batchelor, Charles Lewis, George Benson, and Mr. Thomas Boone, be commissioners for all the highroads, private paths, bridges, causeys, creeks, passages and water-courses, laid out and to be laid out, made and to be made, mended, cleared and altered, in Christ Church Parish.

For St. Thom-
as and St.
Dennis.

IV. *And be it further enacted* by the authority aforesaid, That Col. Robert Johnson, Mr. Robert Daniel, Mr. Richard Smith, Mr. Samuel Commander, Mr. Peter Johnson, sen., Mr. Charles Haze, Mr. John Ashby, Richard Beresford, Esq., Mr. Jonathan Russ, Capt. Robert King, and Mr. Lewis Dutarque, be, and are hereby appointed, commissioners for all and every the high-roads, private paths, causeys, bridges, creeks, passages and water courses, laid out and to be laid out, made and to be made, mended, cleared and altered, in St. Thomas's and St. Dennis's parish.

For St. John's.

V. *And be it further enacted* by the authority aforesaid, That Col. Thomas Broughton, Major Percival Pawley, Daniel Huger, Esq., Maj. Jonathan Drake, Maj. David Durham, Mr. Rene Ravenel, Mr. Lambeth Sanders, Mr. Gabriel Marmon, Mr. Peter de St. Julien, Mr. Elias Ball, and Mr. Isaac Childs, be, and are hereby appointed, commissioners for all and every the high-roads, private paths, causeys, bridges, creeks, passages and water courses, laid out and to be laid out, made and to be made, mended, cleared and altered, in St. John's parish. That the aforesaid commissioners, for all and every the high-roads, private paths, causeys, bridges, creeks, passages and water-courses, laid out and to be laid out, made and to be made,

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mended, cleared and altered, in St. John's parish aforesaid, be, and are hereby appointed, commissioners for all the high-roads, private paths, causeys, bridges, creeks, passages and water-courses, laid out and to be laid out, from Maj. Charles Colleton's Savanna, over Biggon bridge, to the plantation of Mr. Rene Ravenel, commonly called Pushee; and also, that the commissioners aforesaid be, and are hereby appointed, commissioners for all the high-roads, private paths, causeys, bridges, creeks, passages and water-courses, laid out and to be laid out, made and to be made, mended, cleared and altered, in that part of St. John's parish as leads from Childsbury to Mr. John Gough's Landing, and from said road as leads from Mr. Gough's Landing in a northerly course to Daniel Huger, Esq's., fence, and from said fence northerly to Francis William's plantation, late deceased, exclusive.

VI. *And be it further enacted* by the authority aforesaid, That for all and every the high-roads, private paths, causeys, bridges, creeks, passages and water-courses, laid out and to be laid out, made and to be made, mended, cleared and altered, in the parish of St. James's Santee, to act in their several districts, be the commissioners hereinafter named, viz: that Mr. John Lane, Mr. John Bell, sen., and Mr. John Bell, jr., be, and are hereby nominated and appointed, commissioners for that part of said parish that lies on the north-east side of the northernmost branch of Santee river; that Mr. Jonas Collings, Capt Daniel Megrigray, and Mr. Elias Horry, be, and are hereby appointed, commissioners for that part of said parish that lies on the south-west side of said river, as far as from Oindaw to Mr. Elias Horry's, inclusive. *And whereas*, Oindaw creek is the proper bounds of the two parishes, viz: Christ Church parish and St. James Santee, and that there has been no bridge built over the same, the commissioners appointed by the said Act, for each side of the said creek, shall join by an assessment laid equally, from the age of sixteen to sixty years, on all the male persons living on each side of said creek, for building the same. *And James Kinloch, Esq., Capt. John Gendroon, Mr. Peter Roberts, sen., Mr. Noah Serre, Mr. James Guery, and Mr. Peter Perdriau, jun., be, and are hereby appointed to be, commissioners for that part of said parish, from Elias Horry's, exclusive, to the bounds of the county, by or near the plantation of Francis Williams, deceased; that Mr. William Watis, Mr. William Drake, and Mr. Jonathan Palmer, are hereby nominated and appointed commissioners for all that part of said parish that lies on Santee river, from Beetaw; or thereabouts, to the bounds of the said county, towards the head of Cooper river, commonly called the Governor's Tree; and lastly, that Capt William Furbush, Mr. Elisha Scriven, Capt. Meredith Hughes, Mr. John Haze, and Mr. Nathaniel Ford, be, and are hereby appointed, commissioners for all and every part of the aforesaid parish commonly called Winyaw.*

VII. *And whereas*, the cut creek through a neck of marsh in that part of Cooper river near the Red Bank, is, by long neglect, so filled up that it is passable only at high water, to the great delay of such boats and pettyau-gers as are obliged to pass that way: *Be it enacted* by the authority aforesaid, That Maj. Jonathan Drake, Capt. Edward Hyrne, and Dr. Nathaniel Snow, be, and are hereby appointed, commissioners for the repairing the said creek, and digging it wider, and as deep as low water mark; and that the said commissioners have full power to agree with any person or persons for the cutting and cleansing the same; and that a tax be raised on all male persons above the age of sixteen and under sixty, inhabiting from the

For St. James Santee.

N. E. of Santee river.

South-west.

For that part of St. James Santee from E. Horry's, exclusive, to the bounds of the county.

For that part from Beetaw to the bounds of the county towards Cooper river.

For Winyaw.

For repairing and digging the creek at the Red-Bank.

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northernmost end thereof, viz: on all the upper part of the said river, and the branches and creeks thereof, or all persons making use of any landing on the said river, or any of the branches or creeks of the same, for transporting any goods to Charlestown.

VIII. *And be it further enacted* by the authority aforesaid, That Col. Thomas Smith, Benjamin Schenckinck, Esq., Capt. Roger Moore, Capt. William Dry, Capt. Edward Hyrne, Mr. John Oldfield, Mr. John Stone, and Mr. John Parker, be, and are hereby appointed, commissioners for all and every the high-roads, private paths, causeys, bridges, creeks, passages and water-courses, laid out and to be laid out, made and to be made, mended, cleared and altered, in the parish of St. James Goose Creek.

IX. *And be it further enacted* by the authority aforesaid, That Messrs. William Elliott, George Smith, and Richard Butler, be, and are hereby appointed, commissioners for the north side of Ashley river, lying in St. Andrew's parish; and that Mr. William Cattel, Mr. Champenown Elliot, and Mr. William Ladson, be commissioners for that part of the said parish that lies on the south side of the river from Hooper's bridge, inclusive, to the bounds of St. George's parish; and That Mr. William Fuller, Capt. Richard Godfrey, and Mr. Samuel Jones, be commissioners for all that part lying on the south side of said river, from Hooper's bridge, exclusive, downwards, and to Wappoo creek and James Island, the bridge and causey going over to the said island also exclusive; and that Major Arthur Hall, Mr. Wm. Wilkins, Mr. Jno. Whitter, Mr. John Herne, and Mr. Richard Woodward, be commissioners for all and every part of James island, lying and being in the aforesaid parish, the causey and bridge leading over Wappoo creek to the land of Mr. Richard Godfrey, included; and also, that Mr. Thomas Waring, Mr. Robert Dews, Mr. Edward Ardin, Mr. William Wallace, and Col. Joseph Blake, be commissioners appointed for that part of St. George's parish that lies on the north side of the head of the said river; and that Mr. Joseph Smith, Mr. Joseph Sumner, Mr. William Way, be, and are hereby appointed, commissioners for a road from the plantation of Mr. Thomas Waring, exclusive, to Edisto river; and lastly, that Capt. Walter Izard, Mr. William Sanders, Mr. Benjamin Izard, be, and are hereby appointed, commissioners for a road from Ashley river to Walter Izard's plantation, on Wassamsaw Swamp.

For that part of St. Andrew's parish, on the north side of Ashley river.

For the south side of the said river.

For James's Island.

For St. George.

For the road from Mr. Waring's to Edisto river.

From Ashley river to Wassamsaw.

St. George's, south of Ashley.

X. *And be it further enacted* by the authority aforesaid, That Alexander Skeene, Esquire, Mr. Peter Golding, Mr. Josiah Osgood, Mr. Richard Baker, and Mr. Thomas Waring, be, and are hereby appointed, commissioners for all and every the high roads, private paths, causeys, creeks, passages, and water courses, laid out and to be laid out, made and to be made, cleared or altered, in that part of the Parish of Saint George lying on the south side of the head of Ashley river.

XI. *And be it likewise further enacted* by the authority aforesaid, That Colonel John Fenwick, Captain Hugh Hext, Mr. Alexander Hext, Mr. John Raven, Mr. John Gibbes, Mr. Samuel Jones, and Mr. John Stan-yarne, be, and are hereby appointed, commissioners for that part of the Parish of Saint Paul's that lies on St. John's Island; and that Mr. William Williams, Mr. Samuel Underwood, and Mr. John Jervis, be commissioners for that part of the said Parish lying on Wadmaw Island; and likewise, that Mr. Paul Hambleton, Mr. Joseph Russel, Mr. John Fripp, Mr. Joseph Cealy, and Captain William Edding, be commissioners for that part of the above said Parish lying on Edisto Island; and that Captain John Bee, Mr. John Williamson, and Mr. Daniel Hendrick, be commissioners appointed for that part of the said Parish lying from Pon Pon Bridge to the north

Wadmaw.

Edisto Island.

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side of Stono river; and that Captain Christopher Wilkinson, Colonel Abraham Eves, and Mr. Richard Capers, be commissioners for that part of the said parish from Wilton to the north branch of Stono river.

XII. *And be it further enacted* by the authority aforesaid, That Capt. John Jackson, Mr. Robert Cox, and Captain Edmund Bellinger, be, and are hereby appointed, commissioners for that part of the said parish lying ^{Between Edisto and Ashley,} between the west side of South Edisto river and the north-east side of ^{and Ashley and Combee.} Ashepoo river; and that Captain Thomas Townsend, Mr. William Bellinger, and Mr. John Edwards, be commissioners appointed for that part of said parish lying between the west side of Ashepoo river and the north-east side of Combee river.

XIII. *And be it further enacted* by the authority aforesaid, That Capt. John Palmer, Mr. John Bull, and Mr. Joseph Bryan, jr., be, and are here- ^{St. Helena.} by appointed, commissioners for all and every the high roads, private paths, causeys, bridges, creeks, passages, and water courses, laid out and to be laid out, made and to be made, mended, cleared and altered, in that part of Saint Helena Parish that lies on the south west side of Combee river; and that Colonel John Barnwell, Captain Peter Parmenter, and Mr. Wm. Hazard, be, and are hereby appointed, commissioners for that part of the said parish lying on Port Royal Island; and lastly, that Mr. Richard Reynolds, Mr. John Cowin, and Mr. George Norton, be commissioners for that part of the said parish lying on St. Helena and Combee Islands.

XIV. *And be it enacted* by the authority aforesaid, That Mr. Samuel Jones, Michael Reynolds, and Mr. Paul Hambleton, be, and are hereby ^{For the Haul} appointed, commissioners for cutting, cleaning, and keeping in repair the ^{over.} cutt or creek commonly called the Haul Over, by Mr. Samuel Jones, on St. John's Island; and that all the inhabitants making use of the said creek to go to Charlestown, residing on and near Bohickett creek, as also all the inhabitants on the south-east side of Edisto Island, that frequently uses to go through said creek to Charlestown, shall personally work in cutting, cleaning, and keeping in repair said creek.

XV. *And be it further enacted* by the authority aforesaid, That Mr. John Wilkins, Major Arthur Hall, Captain John Raven, Mr. Samuel Jones, ^{New Town} and Captain Thomas Ladson, be, and are hereby appointed, commissioners ^{Cut.} for the cleansing and enlarging that passage commonly called Newtown Cut, who are hereby empowered to oblige all the male persons from the age of sixteen years to sixty, living and residing on James Island, and also, all the male persons living on the southernmost end of John's Island, excepting those living on the south side of Bohickett creek, from the house of Captain John Raven, inclusive, to the plantation of Captain Thos. Ladson, lying near Bohicket creek, inclusive; and from said Thomas Ladson's plantation to the plantation of Mr. Samuel Jones, on the head of Ceyawah river, inclusive; and likewise, the inhabitants on Ceyawah Island, and the inhabitants on Mr. Cole's Island, on the north-east side of Stono river.

XVI. *And be it further enacted* by the authority aforesaid, That Col. John Fenwick, Capt. Hugh Hext, Mr. Richard Capers, Mr. Richard Godfrey, Mr. John Gibbes, Mr. Henry Tumor, and Captain Henry Noble, be ^{Wappoo creek cut offs.} commissioners for the cutting, clearing and keeping in repair, in such places and in such manner as they shall think fit, for the passing of pettyaugers and canoes, the several creeks and cut offs lying in Wappoo creek, and leading into Stono river, in the most convenient place, whether the same be through firm land or marsh; and that all the male inhabitants making use of any landing on the north side of Stono river, that lies above

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said creek leading into said river; and also, all such male persons making use of any landing on the north side of Stono river, lying above said creek leading into said river; as also, all such male persons residing, on St. John's Island, except those appointed by this Act to cut Newtown creek and Jones's Hawlover; as also, all such male persons making use of any landing on the north-west side of Woppoo creek, shall personally work in cutting, clearing, and keeping in repair the said creeks and cut offs.

New Cut and
Watt's Cut.

XVII. *And be it further enacted* by the authority aforesaid, That Col. Abraham Eves, Captain Christopher Wilkinson, Mr. Joseph Russel, Capt. John Jackson, Captain Thomas Barnes, Mr. Ralph Bayley, and Mr. John Fripp, be commissioners for the cutting, clearing, and keeping in repair the creeks or cuts commonly called New Cut and Watt's Cut; as also, to cut, clear, and keep in repair any other creek and cut off, already cut and to be cut, between said New Cut and Gibbons's point, which shall, by the said commissioners, be thought proper and convenient for the passing of petty-augers from Charlestown to Port Royal; and that all the inhabitants residing to the southward of said New Cut to said Gibbons's point, inclusive, making use of any landing leading through said New Cut, except those as shall by this Act be appointed to cut any other creek, shall personally work in cutting, clearing, and keeping in repair the said creeks and cut-offs.

Bridges,
how to be re-
paired.

XVIII. *And whereas*, there is several bridges already built, partly at the charges of the adjoining inhabitants, and partly by money given out of the public treasury. *Be it therefore enacted* by the authority aforesaid, That the same hereafter be maintained and kept in repair by the inhabitants of the said parish wherein the same stands, by a tax to be levied by the commissioners appointed for the same parish, on all the male inhabitants from sixteen years old to sixty.

Roads, &c., to
be made and
kept up at the
equal charge
of the inhabi-
tants.

XIX. *And be it further enacted* by the authority aforesaid, That all and every the respective commissioners above mentioned, within their parishes or divisions, or the majority of them, shall, with all convenient speed after the ratification of this Act, at the equal charge and labor of all and every the male inhabitants residing within the respective divisions as aforesaid, from the age of sixteen to sixty years, make, mend, alter, and keep in repair, all and every the high roads, not exceeding forty feet wide, private paths, bridges, causeys, creeks, passages, and water courses, laid out and to be laid out, in the aforesaid several parishes and precincts.

May be made
by contract,
&c.

XX. *And be it further enacted* by the authority aforesaid, That all and every the respective commissioners aforesaid, within their respective divisions, shall have full power and authority, and they are hereby authorized and empowered, to agree with any discreet and sober men, to undertake the building any bridges, as they shall see meet and most convenient; and shall levy such sum or sums of money for defraying the charges of the same, by an equal proportion on all the males from the ages aforesaid, as shall be within their several districts, or by the personal labor of the said males; and the said commissioners are hereby likewise further empowered to appoint one or more person or persons within their several districts, to summon all such male persons as are herein this Act is before expressed, to work on the several high roads, private paths, causeys, bridges, creeks, passages, and water courses.

Bridges be-
tween two pa-
rishes.

XXI. *And be it further enacted* by the authority aforesaid, That where any river or creek lies between two parishes, and either of the said parishes shall desire a bridge to be built over the said river or creek, for the convenience of the inhabitants, the commissioners of both the said parishes are

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hereby required to meet and assess and levy the same, rateably and proportionably, on the inhabitants of both such parishes; and the inhabitants of both the said parishes shall, likewise, from time to time, repair all bridges lying between two parishes. And that all such person and persons so ordered to summons the several persons aforesaid, for the service of said work, (having directions so to do, under the hands of the majority of the commissioners appointed for that district,) and shall refuse the same, or shall not immediately follow such directions, without giving substantial or satisfactory reasons to the above said commissioners for their neglect therein, shall forfeit the sum of ten pounds; to be levied by the constable of said parish or district to which such person or persons so refusing shall live in, by virtue of a warrant under the hands and seals of the majority of such commissioners as are in that precinct, as by this law are appointed; the one half thereof to be for the defraying the charges of said work, and the other half to be paid to the church wardens for the use of the poor; and that all such person or persons, after summons, so refusing to go and send all the male persons so warned by said person appointed for that service, shall, for himself and all other male persons belonging to him, forfeit the sum of ten shillings per diem, for each male person, for the use of the road; to be levied after the same manner as is hereinbefore expressed. And that the commissioners appointed for each parish or district of any parish within mentioned, have hereby full power and authority to nominate, choose and appoint, or the major part of them may nominate, choose and appoint, one or more overseer or overseers, to attend, view, direct and manage, all such male persons aforesaid, for the better carrying on said work; and such overseer or overseers are hereby empowered moderately to correct all such slaves as shall be negligent in the duty or service; *provided*, they make use of no other instrument of correction but a switch or cowskin, and give such moderate correction to such slaves as shall be reasonable; and in case any white male person neglecting to work or do his duty when in place, then the said overseer shall return the name of such person to the commissioners, who may, according to their judgment, fine the said person in such sum as they shall think fit, not exceeding the sum of twenty shillings per diem, for the first fault, and if repeated, not giving to said commissioners reasons to them sufficient, shall be liable to such other fines as they shall see meet; and the overseer and overseers so chosen, and refusing to do their duty, shall forfeit the sum of ten pounds; to be levied as aforesaid.

Penalty for neglect of summons.

Overseers.

XXII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall, at any time, stop up, alter, or do any manner of damage, by stopping of water or other ways, to any of the high roads, private paths, bridges, causeys or water courses, laid out or to be laid out, by any of the above named commissioners, pursuant to the power granted to them by this Act, every person or persons so offending, shall be summoned and required by the said commissioners of that part or precinct where the fault was committed, forthwith to amend, repair, and clear the same; and in case of their refusal or neglect thereof, at the discretion of the commissioners, to be fined any sum not exceeding ten pounds, lawful money of this Province, for each time the commissioners shall give said person so offending, notice to amend, repair and clear the same, allowing three days between each notice; and for non-payment of the same, the constable of the said respective parishes, by a warrant under the hands and seals of the said commissioners, or the ma-

Penalty for obstructing roads, &c.

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for part of them, to him directed, is hereby ordered and required to levy or distrain for the same; and all such money so levied or distrained, shall, by the said commissioners, be laid out and employed for the better repairing the said roads or highways, within the respective divisions of the respective commissioners so granting said warrant.

Shade trees to
be left.

XXIII. *And be it further enacted* by the authority aforesaid, That when any road shall be laid out, altered or mended, in any part of this Province, that the commissioners of such precinct shall give directions for the leaving such trees standing on or near the line of each such road or path, as shall be most convenient for shade to the said road or path; and in case any person, after such road or path is laid out, altered and cleared, shall cut down a tree growing within ten feet of the path, shall, for each tree so cut down, forfeit the sum of twenty shillings; to be disposed of according as in the case of defaulters, and to be levied after the same manner as aforesaid.

Penalty on
Commissioners
for neglect.

XXIV. *And be it further enacted* by the authority aforesaid, That if any one of the commissioners hereby appointed, for making, mending and altering high roads, private paths, causeys, bridges, creeks, passages, and water courses, as is hereinbefore expressed, mentioned, or intended by the said Act to be mentioned, intended or expressed, shall refuse to act, or refuse to do his duty, in and about the making, mending, and altering the several high roads, private paths, causeys, bridges, creeks, passages, and water courses, as aforesaid, shall forfeit the sum of ten pounds, as often as he shall neglect to join the commissioners; which sum or sums so forfeited, shall be recovered by a warrant from under the hands of the majority of the commissioners of the parish or precinct; to be recovered and disposed of as they shall think fit.

Penalty for op-
posing the
commissioners.

XXV. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever, by themselves, slaves or servants, shall, by any ways or means, stop up or obstruct the passage on the roads aforesaid, or hinder, forbid or threaten the said commissioners or any traveller, from travelling the said roads, or shall hinder, forbid, or oppose the said commissioners, themselves, servants, or workmen, from cutting down, falling, or making use of any timber, wood, earth or stones, in or near the said roads, for mending, making or repairing the same, as aforesaid, shall, for each and every such offence, forfeit the sum of fifty pounds; to be recovered by the said commissioners in that district where the offence is committed, by information, in any court of record; and the money so recovered, to be by them disposed of for the reparation of the said road.

Commissioners
when to meet.

XXVI. *And be it further enacted* by the authority aforesaid, That all the commissioners hereby appointed for each parish, shall meet at the Parish Church, and where there is no church, at the place where the majority of the commissioners shall think fit, at least twice a year, viz; on Easter Monday, and on the first Monday in August; and the said commissioners, or the majority of them so met, are hereby empowered to determine all disputes that may arise in any respect, concerning any of the high roads, private paths, bridges, causeys, creeks, passages, and water courses, already made, or which they shall think proper to be made, in their said parish; and also, to agree to the dividing the several parts of the paths to each commissioner's particular care, as they shall then and there agree to; and to assign every person liable to work about the paths, where they shall work; and to choose another commissioner in the place of any one or more that may happen to die, go off the Province, or refuse to act.

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XXVII. *And be it further enacted* by the authority aforesaid, That in case the commissioners of each parish, or the majority of them, for any reason whatsoever, should neglect or refuse to do as they are hereinbefore directed, so that all or any of the highways in such parish may be neglected, to the great prejudice of this Province, then and in such case, his Excellency, Francis Nicholson, Esquire, or the Governor for the time being, is hereby desired and empowered, on application made to him from any three or more of the commissioners in the said parish, to appoint one or more commissioners, to act in the room of him or them that may be dead, gone off, or remove out of the parish or district, or refuse to act; which commissioner or commissioners so appointed shall have the same powers, and be subject to the same penalties, as the commissioners hereinbefore named.

XXVIII. *And be it further enacted* by the authority aforesaid, That all Act and Acts heretofore passed in this Province of South Carolina, and all and every clause or clauses of the same, in relation to the making, mending, and altering any high roads, private paths, causeys, and bridges, is hereby declared repealed, revoked, discontinued, and made void forever; any limitation in the said Acts contained to the contrary notwithstanding.

JAMES MOORE, *Speaker.**Charlestown, September the fifteenth, 1721.**Assented to: FRANCIS NICHOLSON, Governor.*

AN ACT TO CONFIRM AND ESTABLISH TWO BRIDGES NOW STANDING OVER THE HEAD OF ASHLEY RIVER; AND FOR BUILDING ANOTHER BRIDGE FROM THE SOUTH SIDE OF THE SAID RIVER TO DORCHESTER TOWN. No. 462.

WHEREAS, a bridge now built over the head of Ashley river, commonly called Steven's Bridge, and another bridge commonly called Mr. Thomas Waring's Bridge, although they were not built by public authority, have been found to be of very great use to the public, and absolutely necessary for the inhabitants of each side of the said river, and tend very much to the security of this Province, by opening a communication for the inhabitants in case of alarms. We therefore pray your most sacred Majesty, that it may be enacted,

I. *And be it enacted*, by his Excellency Francis Nicholson, Esquire, Governor, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, and by the authority of the same, That the aforesaid bridges, commonly called Stevens's bridge and Mr. Thomas Waring's bridge, shall be, and are hereby declared to be, public bridges now standing and being by lawful authority, and for the use of all persons passing and repassing over the said river, without the least hindrance, molestation, or eviction of any person or persons whatsoever.

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Road from Stevens's bridge.

II. *And be it further enacted* by the authority aforesaid, That a road be laid out, twenty feet wide, from the bridge commonly called Stevens's bridge, on the south side of said river, to the high road that goes from Jacob's creek to Westo Savanna; which road shall be made and kept in repair, as well as the said bridge, at the equal charge and labor of all the male persons from the age of sixteen to sixty years, residing between the plantation of Mr. William Wallace, late belonging to Mr. Jacob Satur, exclusive, to Westo Savanna, inclusive, and as far back as Wappoo and Jack's Savanna, and shall be held and deemed the high road to a landing for the back settlers, on the south side of Ashley river in St. George's parish, from and after the said river is cleared and made navigable for a loaded pettyauger up to Stevens's bridge, of which all the commissioners of the said parish, or the major part of them, shall be judges; and that Peter Goulding, Josiah Osgood and Richard Baker, shall be, and are hereby, appointed commissioners to execute all the powers and authorities of this Act, relating to the making and keeping in repair the said road and bridge.

Road from Waring's bridge.

III. *And be it further enacted* by the authority aforesaid, That a road be laid out not exceeding thirty feet wide, and leading over the bridge commonly called Mr. Thomas Waring's bridge, from the high road on the north side of the said river, to the high road that leads from Mr. Thomas Waring's plantation to Edisto river; which road shall be made and kept in repair, as well as the said bridge, at the equal charge and labor of all male persons from the age of sixteen to sixty years, on the south-west side of said river, lying from Westo Savanna, exclusive, to Job Chamberlain's, inclusive; and that Joseph Smith, William Way, and Joseph Summer, be, and are hereby appointed, commissioners for executing the several powers and authorities given and granted by this Act, relating to the making and keeping in repair the said road and bridge.

Bridge over Ashley at Dorchester.

IV. *And be it further enacted* by the authority aforesaid, That with all convenient speed, after the passing of this Act, a bridge shall be built over Ashley river, from any part of the place laid out for a town called Dorchester, on the north side of the said river, to any proper place on the south side of the said river, at the discretion of the majority of the commissioners hereinafter named, who are hereby empowered to draw on the public treasury for the sum of fifty pounds towards the erecting of the said bridge; which said bridge shall be built by the subscription of such persons as shall think fit voluntarily to contribute thereto; and that a road shall be laid out, twenty feet wide, and to be made from the said bridge on the south side of the river, to the high road that leads from Jacob's creek to Westo Savanna; which road shall be made and kept in repair, as also the said bridge to be kept in repair, at the equal charge and labor of all the male persons from the age of sixteen years to sixty years, from Mr. William Wallace's plantation, inclusive, to Richard Bedon's, inclusive, and as far back as Long Savanna, inclusive.

Commissioners

V. *And be it further enacted* by the authority aforesaid, That the Honorable Alexander Skeene, Esquire, Colonel Joseph Blake, Mr. Thomas Waring, Mr. William Wallace, Mr. Robert Dews, and Mr. Edward Arden, be, and they are hereby, empowered and directed to execute the several powers and authorities granted and given by this Act, relating to the aforesaid bridge and road from Dorchester Town to the south side of the said river.

VI. *And be it further enacted* by the authority aforesaid, That all and every the commissioners, or the major part of them, in and by this Act

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appointed, shall have the same powers and authorities as are given to the commissioners in an Act entitled "An Act for making, mending and altering the high roads, private paths, bridges, &c." ratified September the fifteenth, seventeen hundred and twenty-one; and all persons liable to work, shall be under the same fines and forfeitures, restrictions and penalties, as are imposed by the said Act. Their powers.

JAMES MOORE, *Speaker.**South Carolina, June 23, 1722.**Assented to by*FRANCIS NICHOLSON, *Governor.*

AN ACT FOR BUILDING BRIDGES IN THE PARISH OF SANTEE.

No. 463.

FORASMUCH as several bridges are wanting in the parish of St. James Santee, the said parish abounding with many creeks and runs, very inconvenient for the parishioners, for want of a free and easy passage to the church, the place of rendezvous for musters, and the county court.

I. *Be it therefore enacted*, by his Excellency Francis Nicholson, Esq., by and with the advice and consent of his Majesty's Honorable Council and the Assembly of this Province, and by the authority of the same, That as soon as may be, after the ratification of this Act, there shall be built three bridges in the said parish; and that one of the said bridges shall be erected and built over Wambaw creek, in such proper place as the majority of the commissioners for that parish, appointed by an Act entitled "An Act to empower the several commissioners of the high-roads, private paths, bridges, creeks, causeys, and cleaning of water-passages, in this Province," &c., ratified the 15th September, 1721; who are appointed by this Act to build the said bridges, as they shall think most convenient. Bridge over Wambaw creek.

II. *And be it further enacted* by the authority aforesaid, That the sum of fifty pounds, current money, shall be paid out of the public treasury of this Province, into the hands of any the said commissioners, the better to enable them to erect and build the said bridge, and the treasurer of this Province is hereby required and directed to pay the same accordingly. Fifty pounds appropriated.

III. *And be it further enacted* by the authority aforesaid, That one other bridge shall be built over Echaw creek, in the same place where the old bridge formerly stood, or any other place where the majority of the commissioners shall think more convenient; and that also, the better to enable the said parish to build the said bridge, the sum of one hundred pounds, current money, shall be paid out of the public treasury into the hands of any of the said commissioners in the said parish; and the public treasurer is hereby required and directed to pay the same accordingly. Bridge over Echaw creek.

IV. *And be it enacted* by the authority aforesaid, That one other bridge shall be built over Labardee's creek, near or on the common road; and the better also to enable the parish to erect and build the said bridge, the sum of fifty pounds, current money, shall be paid out of the public treasury, into Over Labardee's creek.

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the hands of any of the commissioners aforesaid; and the public treasurer is hereby required to pay the same accordingly.

Powers of commissioners. V. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power, and they are hereby empowered, to agree with any workmen for the work, and for materials for the said bridges; and shall build the said bridges of such dimensions, and with such timber, earth or stone, as they shall think fit; and they are also empowered to cut down and make use of any timber, earth or stone, that lies convenient, to be made use of about any of the said bridges.

Inhabitants to be assessed. VI. *And whereas*, the several sums before mentioned, given by the public, in order to forward and help the said parish in building the said bridges, will not be sufficient to finish and complete the same; *Be it further enacted* by the authority aforesaid, That the aforesaid commissioners, or the major part of them, shall have power, and they are hereby empowered, to assess all the male inhabitants and male slaves within the said parish, from sixteen to sixty years of age, in order to raise a sufficient sum of money to finish and complete the said bridges, or any of them; and they are hereby declared to be invested with the same powers and authorities, for raising, assessing and levying so much money as will build the said bridges, as the commissioners of the highways have, by virtue of an Act entitled "An Act for making, mending and altering the high-roads," &c, ratified the fifteenth of September, 1721.

Length of bridges. VII. *And whereas*, some difficulties and disputes have arisen, whether the commissioners of high-ways, by virtue of the aforesaid Act, had power to build any bridge or bridges exceeding forty feet long, the said number of feet being only mentioned in the preamble of the said bill, and not in any enacting clause: *Be it therefore enacted* by the authority aforesaid, That from and after the passing of this Act, no bridge or bridges shall be built within this Province exceeding sixty feet in length, by any commissioners of the highways; any other law to the contrary thereof in any wise notwithstanding.

JA. MOORE, *Speaker.*

South Carolina, June 23, 1722.

Assented to, by

FR. NICHOLSON, *Governor.*

No. 500. AN ACT FOR ESTABLISHING A FERRY FROM THE PLANTATION OF JAMES WRIXAM, DECEASED, IN COLLETON COUNTY, ACROSS PON PON RIVER; AND FOR APPOINTING A SCOUT AT PON PON; AND FOR EXEMPTING THE INHABITANTS OF WASSUMSAW FROM WORKING ON A ROAD FROM WILLIAM SMITH'S PLANTATION TO THE CHAPPEL AT GOOSE CREEK.

WHEREAS, it is thought necessary, for the better carrying on of alarms, the conveniency of travellers, the better communication of the neighbors, and the encouragement of the settlement of those southern parts, that a ferry should be established over that part of Pon Pon river. We pray your most sacred Majesty that it may be enacted,

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I. *And be it enacted*, by his Excellency Francis Nicholson, Esq., Governor, by and with the advice and consent of his Majesty's Honorable Council and the Assembly of this Province, and by the authority of the same, That a public ferry be, and is hereby, established at the plantation of the said James Wrixam, deceased, in Colleton county, across Pon Pon river, which shall be, and is hereby, vested in Mr. Henry Jackson, Mr. John Bull, and Mr. Christopher Smith, commissioners, for the space of ten years next ensuing the ratification of this Act, who are hereby empowered to agree with any person or persons who shall undertake the looking after the said ferry; and there shall be found and provided a good and sufficient ferry boat, for which there shall be paid fifty pounds by the public, and no more, which ferry boat shall be able to carry over four horses at the least; and the person or persons so to be appointed by the said commissioners, shall find and provide two able servants or slaves, who shall constantly attend the said ferry, at all hours, as well by night as by day, to carry over passengers, their horses, servants and slaves.

Ferry over
Pon Pon, at
Wrixam's.

II. *And be it further enacted* by the authority aforesaid, That the person so to be appointed by the said commissioners, shall be allowed for ferriage the several rates and prices following, that is to say: for a white man, fifteen pence; for a slave, fifteen pence; for a horse, fifteen pence; for cattle, six pence per head, that shall be swam over, and fifteen pence per head if carried in the ferry boat; for sheep and hogs, per head, seven pence half penny.

Rates of Ferri-
age.

III. *And be it further enacted* by the authority aforesaid, That the person who shall have the charge of the said ferry, shall keep the said ferry boat in good and sufficient repair, from time to time and at all times, during the said term of ten years, and shall cause constant attendance to be given at the said ferry at all times of the day and night as aforesaid, under the several penalties and forfeitures following, that is to say:—for non-attendance the first half hour, ten shillings; for an hour, twenty shillings; for every hour after, forty shillings. And every justice of the peace in the said county, upon information made to him upon oath, in writing, of such neglect, by any person who shall be delayed thereby, shall be, and is hereby, empowered to levy such forfeitures by warrant of distress under his hand and seal, directed to any adjacent constable, and sale of the defaulter's goods; and in case of no goods to be found, against the body of the defaulter; the monies arising by such defaults to be to the use of the poor of the parish.

Penalty for
neglect.

IV. *And be it further enacted* by the authority aforesaid, That Mr. Henry Jackson, Mr. John Bull, and Mr. Christopher Smith, be, and are hereby appointed, commissioners for inspecting into the said ferry, and to appoint persons, from time to time, to look after the same; and to remove such person or persons upon notorious neglects, and others in his and their stead again to constitute, as they shall see necessary.

Commissioners

V. *And be it further enacted* by the authority aforesaid, That all persons under arms in times of alarms and expresses, shall have their ferriage free, themselves, servants, and horses.

VI. *And be it further enacted* by the authority aforesaid, That there shall be, and is hereby established, a scout consisting of seven men and an officer, to scout on the out settlements of Ponpon, for the better security of the inhabitants, and to prevent their being surprised by Indians, who shall be under the command of a field officer, to be nominated by his Excellency the Governor, or commander-in-chief for the time being, for that purpose; and

Scout esta-
blished.

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each of the scouts shall find his own horse and accoutrements, and provisions for himself and horse; and be armed with a gun, a pistol, and cutlass or hatchet, powder-horn, with at least a quarter of a pound of powder, and cartridge box, with twelve charges; and the said scouts shall be paid at the charge of the public, viz:—for the officer, twelve pounds per month, and for each private man, seven pounds ten shillings per month, for the space of one year next ensuing the ratification of this law; and their respective wages, being certified by the said field officer to be due, shall be paid by the public receiver out of the monies appropriated for the Palachucala Garrison.

Mastiffs to be provided.

VII. And to prevent the said scouts being surprised by Indians, by day or by night, and for the better discovering and finding out where the said Indians hide and lurk, *It is hereby enacted*, That every one of the said eight scouts shall find and provide a large mastiff or mungrel bred dog, to go constantly along with them in their scouting; which said dogs, and every of them, shall be kept for the use of the scouts, and not be carried away by any person who shall be removed or discharged out of the scout; and if any person belonging to the said scouts, shall kill or worry any cattle whatsoever, he shall forfeit double the value of the cattle so killed; and upon information, made on oath to the said field officer, he shall deduct the said forfeiture out of his wages, and pay one half to the informer, the other half to the owner of such cattle.

VIII. And *whereas*, several inhabitants of the upper part of Goose Creek, by their petition to the General Assembly, have set forth, that they have lately received an order from the commissioners of the highways of the said parish, to open and make a road from William Smith's plantation on Wassumsaw Swamp, to the Chappel at Goose Creek, which they further set forth, would be a very great and heavy burthen upon them, and praying to be exempted and excused from working upon or making such a road; and the said petition being thought very reasonable, *Be it therefore enacted* by the authority aforesaid, That the inhabitants of the upper part of the parish of Saint James Goose Creek, commonly called Wassumsaw, shall be, and they are hereby, excused and exempted from working upon or making the aforesaid road; all orders heretofore made relating to the said road to the contrary in any wise notwithstanding.

THOMAS BROUGHTON, *Speaker.**Council Chamber in Charlestown, April the 17th, 1725.*Assented to: FRANCIS NICHOLSON, *Governor.*

AN ACT FOR VESTING THE SOLE RIGHT OF HOLDING AND KEEPING A
FERRY OVER BLACK RIVER, IN PRINCE GEORGE'S PARISH, IN ALEX-
ANDER MONTGOMERY, HIS HEIRS AND ASSIGNS, FOR TEN YEARS.

Preamble. WHEREAS, the inhabitants of Winyaw in Prince George's Parish are become numerous, and the settlement considerable, that all necessary encouragement and conveniency ought to be given to them; and *whereas*,

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the settling ferries over the rivers in that part of the Province will be highly beneficial and useful, in opening a communication in times of alarm; we therefore most humbly pray his most sacred majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Francis Nicholson, Esquire, his Majesty's Captain General and Governor-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the sole right of having, holding, keeping, and maintaining a ferry over Black river, from the plantation of Alexander Montgomery, to a point of land belonging to George Smith, shall be, and is hereby declared to be, vested in Alexander Montgomery, his heirs and assigns, for and during the term and time of ten years. Ferry vested in A. Montgomery.

II. *And be it further enacted* by the authority aforesaid, That the said Alexander Montgomery shall be, and he is hereby, obliged to keep and maintain a good and sufficient boat for the transportation of man and horse and cattle over the said river; and he shall have and receive, for every person, one shilling and three pence; for every horse, one shilling and three pence; for all cattle, one shilling and three pence; for sheep per head, seven pence half penny; for hogs, seven pence half penny. Rates of ferryage.

III. *And be it further enacted* by the authority aforesaid, That the said Alexander Montgomery, or his servants, shall, at all times of the day and night, give his or their due attendance, under the penalties and forfeitures following, that is to say:—for non-attendance, the first half hour, ten shillings; for an hour, twenty shillings; for every hour after, forty shillings; and every justice of the peace in Craven county, upon information made to him upon oath, in writing, of such neglect, by any passenger who shall be delayed thereby, shall be, and is hereby, empowered to levy such forfeiture by warrant of distress, under his hand and seal, directed to any adjacent constable, and sale of the defaulter's goods; and in case of no goods to be found, against the body of the defaulter; and the said Alexander Montgomery shall be obliged constantly to keep the said boat or boats in good order and repair, or also shall forfeit the sum of ten pounds; one half to his Majesty, to and for the support of this Government, and the other half to him or them who will sue for the same. Penalty for neglect.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall keep or maintain a public ferry within ten miles of each side the ferry by this Act established, shall forfeit the sum of fifty pounds; one half to his Majesty, to and for the support of this Government, and the other half to him or them that will sue for the same. Other ferries prohibited.

V. *And be it further enacted* by the authority aforesaid, That all fines and forfeitures accruing and arising by this Act, shall be sued for and recovered in any court of record in this Province, wherein no essoign, privilege, protection or wager of law, or any more than one imparlance, shall be allowed.

THOMAS BROUGHTON, *Speaker.*

Council Chamber, Charlestown, April the 17th, 1725.

Assented to:

FRANCIS NICHOLSON, *Governor.*

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AN ACT FOR REMOVING THE FERRY NOW AT JAMES WRIXHAM'S PLANTATION, AND ESTABLISHING THE SAME AT MR. JOHN JACKSON'S PLANTATION, ACROSS PON PON RIVER.

Preamble.

WHEREAS, the inhabitants near or upon Pon Pon river, have, by their petition to the General Assembly, shewn and set forth many inconveniences attending the ferry across the said river being placed at the plantation of the said Wrixham, and that it would be of much greater benefit and advantage to that part of the Province, if the said ferry was removed from the said Wrixham's plantation, and placed and established at the plantation of John Jackson. And *whereas*, it is thought necessary, for the better carrying on of alarms, the conveniency of travellers, the better communication of the neighbors, and the encouragement of the settlement of those southern parts of this Province, that a ferry should be established at that part of Pon Pon river. We therefore pray your most sacred Majesty that it may be enacted,

Ferry at Wrixham's removed to Jackson's.

I. *And be it enacted*, by the Honorable Arthur Middleton, Esq., President and Commander-in-chief of his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Assembly of this Province, and by the authority of the same, That the ferry heretofore established, by an Act of the General Assembly of this Province, at the plantation of James Wrixham, shall, from henceforth, be from thence removed, and established at the plantation of John Jackson, in Colleton county, across Pon Pon river; which shall be, and is hereby, vested in Mr. John Bull, Mr. John Jackson, and Mr. Riall Spray, commissioners, for the space of ten years next ensuing the ratification of this Act, who are hereby empowered to agree with any person or persons who shall undertake the looking after the said ferry.

Boat.

II. *And be it further enacted* by the authority aforesaid, That the ferry boat already built at the public charge, and now made use of at Wrixham's, shall, immediately after the passing this Act, be delivered to the commissioners herein named, to be by them delivered to the person whom they shall appoint to have care and charge of the ferry hereby established at Jackson's plantation.

Rates of ferryage.

III. *And be it further enacted* by the authority aforesaid, That the person so to be appointed by the said commissioners, shall be allowed for ferryage the several rates and prices following, that is to say: for every person, three pence three farthings; for a horse, three pence three farthings; for cattle, two pence per head that shall be swam over, and three pence three farthings per head if carried in the ferry boat; for sheep and hogs, per head, one penny; all which rates shall be paid in proclamation money, or the currency of this Province, equal thereto.

Penalty for neglect.

IV. *And be it further enacted* by the authority aforesaid, That the person who shall have the charge of the said ferry, shall keep the said ferry boat in good and sufficient repair, from time to time and at all times, during the said term of ten years, and shall cause constant attendance to be given at the said ferry, at all times of the day and night, as aforesaid, under the several penalties and forfeitures following, that is to say: for non-attendance, the first half hour, five shillings; for an hour, ten shillings; for every hour after, ten shillings, proclamation money, or the currency of this Province, equal thereto; and every justice of the peace in the said county, upon information made to him upon oath, in writing, of such neglect, by

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any passenger who shall be delayed thereby, shall be, and is hereby, empowered to levy such forfeitures, by warrant of distress under his hand and seal, directed to any adjacent constable, and sale of the defaulter's goods; and in case of no goods to be found, against the body of the defaulter; the money arising by such defaults to be to the use of the poor of the parish.

V. *And be it further enacted* by the authority aforesaid, That Mr. John Bull, Mr. John Jackson, and Mr. Riale Spry, be, and are hereby appointed, Commissioners commissioners for inspecting into the said ferry, and to appoint persons from time to time to look after the same, and to remove such person or persons upon notorious neglect, and others in his and their stead again to constitute, as they shall see necessary.

VI. *And be it further enacted* by the authority aforesaid, That all persons under arms in time of alarms and expresses, shall have ferriage free, themselves, their servants and horses.

VII. *And be it further enacted* by the authority aforesaid, That one Act of the General Assembly of this Province, entitled "An Act for establishing a ferry from the plantation of James Wrixham, deceased, in Colleton county, across Pon Pon river, and for appointing a scout at Pon Pon, and for exempting the inhabitants of Wassumsaw from working on the road from William Smith's plantation to the Chappel at Goose Creek," ratified the seventeenth day of April, one thousand seven hundred and twenty-five, is hereby declared to be repealed. Act No. 500, repealed.

THOS. BROUGHTON, *Speaker.*

Charlestown, Council Chamber, December the ninth, 1725.

Assented to by

AR. MIDDLETON:

AN ACT FOR MAKING A NEW ROAD BETWEEN THE NORTH AND MIDDLE No. 515.
BRANCH OF STONO RIVER.

WHEREAS, the inhabitants on the south side of the north branch of Stono river, by their petition to the General Assembly, setting forth that they, being situated remote from any established road, had been constrained to make use of an old road, which had been frequented without interruption for above these twenty years, but that the said road not being appointed by authority, was now stopped up, and the passage impeded, to the very great prejudice and distress of the petitioners and others, the inhabitants residing about Pon Pon, many of the petitioners being about twelve miles distance from any public established road, and that through deep and almost impassable swamps, whereby they were rendered incapable of repairing to the service of God, and conveying their effects to markets, and praying that it might be enacted:

Preamble.

I. *And be it therefore enacted*, by the Honorable Arthur Middleton, Esq., President, by and with the advice and consent of his Majesty's Honorable Council and Assembly of this Province, and by the authority of the same,
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*Acts relating to Roads, Bridges and Ferries.*Road from
Elliott's to
Godfrey's.

That the commissioners hereinafter named shall be, and are hereby, empowered forthwith to lay out a road, not exceeding thirty feet wide, excepting causways, which shall be twenty feet wide, from the house of Mr. Thomas Elliott, jun., and also from Mr. William Elliott's, inclusive, to Mr. William Elmes's Cow-pen, inclusive, and from thence to John Godfrey's landing, on Pon Pon river.

Who liable to
work thereon.

II. *And be it further enacted* by the authority aforesaid, That all male persons, from sixteen to sixty, from Pon Pon river to Mr. Thomas Elliott's, and to Mr. William Elliott's, between the north branch and south branch of Stono river, and from the head of the middle branch up Spoon Savana, and also all others adjacent to said roads, so intended to be made, as aforesaid, that use the said roads to Mr. William Elliott's landing, shall be employed by the said commissioners in making of the same roads, and repairing thereof, from time to time, as the said commissioners, and the commissioners of the same roads for the time being, shall see necessary; and the same shall from henceforth be deemed a public road.

III. *And be it further enacted* by the authority aforesaid, That the inhabitants aforesaid, and their negroes, shall, from henceforth, be exempted from working on the road that lies on the south side of the middle branch of Stono river; any former law, usage or custom to the contrary in any wise notwithstanding.

Commission-
ers, and their
powers.

IV. *And be it further enacted* by the authority aforesaid, That Capt. Henry Nichols, Mr. Thomas Elliott, and Mr. Thomas Miles, be, and are hereby appointed, commissioners for putting this Act in execution, and making, mending and repairing the said roads, from time to time, as need shall be, who shall be under the same regulations and penalties, and have the same powers and authorities, as are given to the commissioners of high-roads, by virtue of an Act entitled "An Act to empower the several commissioners of the high-roads, private paths, bridges, creeks, causways, and for cleaning water-passages in the Province of South Carolina, to alter and lay out the same, for the more direct and better conveniency of the inhabitants thereof," made the fifteenth day of September, in the year of our Lord one thousand seven hundred and twenty-one; and all and every person and persons hereby appointed to make and work on said roads, and their slaves, in case of refusal or neglecting to work at the respective times to be appointed by the commissioners of said roads, for making, mending and repairing the same, shall be under the like penalties as in the said last mentioned Act are given against defaulters; and all the penalties and forfeitures shall be recovered and applied in the same manner as therein is prescribed.

Charlestown, Council Chamber, eleventh of March, 1726.

THOS. BROUGHTON, *Speaker.*

Assented to: AR. MIDDLETON.

Acts relating to Roads, Bridges and Ferries.

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AN ACT TO EMPOWER COMMISSIONERS TO LAY OUT AND KEEP IN REPAIR A ROAD FROM WESTO SAVANNA INTO PON PON ROAD. No. 522.

WHEREAS, the inhabitants living on the south side of the upper part of Ashley river, by their petition to the General Assembly of this Province, have prayed that an Act might pass to appoint commissioners to lay out a road from Westo Savanna to the road leading from Mr. Thomas Waring's bridge to Pon Pon river; and the said petitioners having made appear the reasonableness of directing that such a road should be laid out to the satisfaction of the General Assembly, we therefore pray your most sacred Majesty that it may be enacted,

Preamble.

I. And be it enacted, by the Honorable Arthur Middleton, Esq., President and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Assembly of this Province, and by the authority of the same, That a road shall be forthwith laid out from Westo Savanna into Pon Pon road, at the discretion of the commissioners hereinafter mentioned, not exceeding thirty feet wide; and that all the inhabitants living on the south side of the said road that goes from Mr. Thomas Waring's bridge to Pon Pon road, by Joseph Sumners, Mr. Kettleby's land and plantation, exclusive, and exclusive of Westo Savanna, shall be obliged to make and keep in repair the said road; and all persons who are obliged by this Act to work on the said road, are and shall be hereafter exempted from working on any other roads, causways or bridges in this Province.

Road from
Westo Savanna
to Pon Pon
road.

II. And be it further enacted by the authority aforesaid, That Mr. Richard Waring, Mr. Josiah Waring, and Mr. Moses Way, be, and they are hereby appointed, commissioners of the aforesaid road, so to be laid out as aforesaid, who shall have all the powers, authorities and privileges, for taking care that the road aforesaid be laid out, made and kept in repair, as any commissioners have by virtue of an Act entitled "An Act to empower the several commissioners of the high-roads, private paths, bridges, creeks, causways, and cleansing of water-passages, in this Province of South Carolina," &c., heretofore had, or now have.

Charlestown, Council Chamber, eleventh March, 1726.

THOS. BROUGHTON, *Speaker.*

Assented to: AR. MIDDLETON.

A.D. 1726.

Acts relating to Roads, Bridges and Ferries.

No. 524. AN ACT FOR ESTABLISHING A FERRY FROM THE LANDING OF MR. JOHN GODFREY, ACROSS PON PON RIVER.

Preamble.

WHEREAS, the General Assembly of this Province have taken into their mature consideration the necessity there is of appointing and establishing a ferry from Mr. John Godfrey's landing across Ponpon river, for the safety and convenience of the inhabitants living near or upon the said river. We therefore pray your most sacred Majesty that it may be enacted,

Ferry over Pon Pon, at Godfrey's.

I. *And be it enacted*, by the Honorable Arthur Middleton, Esquire, President and Commander-in-chief of the Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That a public ferry be, and is hereby, established, from the landing of Mr. John Godfrey, on Ponpon river, across said river; which shall be, and is hereby, vested in Mr. James Ferguson, Captain John Hunt, and Mr. Joshua Saunders, commissioners, for the space of ten years next ensuing the ratification of this Act, who are hereby empowered to agree with any person or persons who shall undertake the looking after the said ferry; and there shall be found and provided a good and substantial ferry boat, which ferry boat shall be able to carry over three horses at the least; and the person or persons so to be appointed by the said commissioners, shall find and provide two able servants or slaves, who shall constantly attend the said ferry at all hours, as well by night as by day, to carry over passengers, their horses, servants and slaves.

Rates of ferry-ago.

II. *And be it further enacted* by the authority aforesaid, That the person so to be appointed by the said commissioners, shall be allowed for ferryage the several rates and prices following, that is to say:—for every person, three pence three farthings; for a horse, three pence three farthings; for cattle, two pence per head that shall be swam over, and three pence three farthings per head, if carried in the ferry boat; for sheep and hogs, per head, one penny; which said rates shall be paid in proclamation money, or in like value of the currency of this Province; which rates shall be ascertained by the commissioners appointed by this Act.

Duty of ferry-man.

III. *And be it further enacted* by the authority aforesaid, That the persons who shall have charge of the said ferry, shall keep the said ferry boat in good and sufficient repair, from time to time, and at all times, during the term of ten years; and shall cause constant attendance to be given at the said ferry, at all times of the day and night aforesaid, under the several penalties and forfeitures following, that is to say:—for non-attendance, the first half hour, five shillings; and for one hour, ten shillings; and for every hour after, ten shillings, proclamation money as aforesaid; and every justice of the peace in the said county, upon information made to him upon oath in writing, of such neglect, by any passenger who shall be delayed thereby, shall, and is hereby empowered to, levy such forfeitures by warrant of distress, under his hand and sale, directed to any adjacent constable, and sale of the defaulter's goods; and in case of no goods to be found, against the body of the defaulter, who shall be committed to prison till such money be paid; the monies arising by such defaults to be to the use of the poor of the parish where the said ferry is established.

Power of commissioners.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners before named shall be, and they are hereby, empowered to inspect into the said ferry, and to appoint persons, from time to time, to look after the same, and to remove such person and persons upon notorious

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neglects, and others in his and their stead again to constitute, as they shall see necessary.

V. *And be it further enacted* by the authority aforesaid, That all persons under arms in times of alarms and expresses, and persons going to any place of religious worship and musters, shall have ferriage free, themselves, their servants and horses.

VI. *And be it further enacted* by the uuthority aforesaid, That a public road shall be laid out from the said ferry, to the chapel already built in the said parish, of at least twenty feet wide; and that Mr. James Ferguson, Mr. Joshua Saunders, and Mr. Emanuel Smith, be commissioners for the said road; which road shall be made at the equal charge of the inhabitants of the upper part of the said parish; who shall be under the same fines and forfeitures, in case of neglect or refusal to work thereon, and the said fines and forfeitures shall be levied, recovered, and disposed of, as is directed by an Act of the General Assembly of this Province, entitled "An Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causways, and cleansing of water passages in this Province of South Carolina, to alter and lay out the same, for the more direct and better conveniency of the inhabitants thereof."

Road from the said ferry to the chapel.

Charlestown, Council Chamber, 11th March, 1726.

Assented to:

ARTHUR MIDDLETON.

AN ACT FOR ESTABLISHING FIVE FERRIES; ONE OVER WINYAW RIVER, No. 541,
TWO OVER SANTEE RIVER, ONE OVER SAMPIT CREEK, AND ONE OVER
COOPER RIVER.

WHEREAS, the inhabitants of Waccamaw Neck, in Winyaw, in the parish of Prince George, by their petition to the General Assembly of this Province, have shewed and set forth that they are put to many difficulties, for want of several ferries being established, as in the said petition is prayed. And *whereas*, the establishing such ferries will be of great conveniency to the said inhabitants, as well as all other persons passing and re-passing the same: we therefore pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That five public ferries be, and are hereby, established; one over Winyaw river, from the landing of Mr. Samuel Masters to the landing of Mr. George Smith, deceased, his plantation; two over Santee river, one of which to be from the plantation of John Dubose, on the north side of said river, to the plantation of Isaac Dubose, on the south side of the said river; and another ferry across Sampit creek, from the bluff of Mr. Elisha Scriven's plantation to the marsh point of the plantation of

Sundry ferries established.

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vested.

Their duty.

Rates of ferri-
age.

Capt. Robert Scriven; and one other ferry from the plantation of Mr. Jonathan Skeine, over Santee river; which said ferries shall, and are hereby, vested in the persons and their heirs herein mentioned, that is to say: the ferry over Winyaw river, in Mr. Samuel Masters; the ferry over Santee river, in John Dubose and Isaac Dubose; and the ferry across Sampit creek, in Mr. Robert Scriven; and the ferry at Mr. Jonathan Skeine's landing, over Santee river, in the said Mr. Jonathan Skeine—for the space of seven years next ensuing the ratification of this Act, and from thence to the end of the next General Assembly after, and no longer; and the said Samuel Masters shall provide two good and substantial ferry boats to be kept, one of them at each landing aforesaid, on the said Winyaw river; and the said John Dubose and Isaac Dubose shall also provide two good and substantial ferry boats to be kept, one on the north side of Santee river, at the lake or creek commonly called Dauho creek, and the other on the south side of Santee river, aforesaid; and the said Robert Scriven, who shall have the ferry at Sampit creek, shall also provide one good and substantial ferry boat, to be kept at either the places aforesaid; which said ferry boats shall be able to carry over four horses at the least; and the said persons, appointed by this Act to keep the ferries aforesaid, shall provide two able persons, who shall constantly attend the said ferries, in each boat, at all hours, as well by night as by day, to carry over passengers, their horses, servants and slaves.

II. *And be it further enacted* by the authority aforesaid, That the persons appointed to keep the several ferries herein before mentioned in this Act, shall be allowed for ferriage the several rates and prices following, that is to say: for the ferriage of a single person over Winyaw river, ten shillings, and if more than one, seven shillings and six pence each, current money; for a horse and man, fifteen shillings, and if more than one, twelve shillings and six pence for each, current money; for cattle, per head, if carried in the boats, five shillings; for sheep and hogs, per head, two shillings, current money; and for passing of each horse and man over Santee, at Mr. Dubose's ferry, shall be paid the sum of two shillings and sixpence; and for passing each single person, shall be paid one shilling and three pence; and for every head of cattle, swam over at the said ferry, shall be allowed one shilling and three pence; and for every head of hogs or sheep, carried over in the boat, shall be paid seven pence half penny, current money of this Province; and for passing of each horse and man over the said Sampit creek, shall be paid the sum of two shillings and six pence; and for passing over one man, shall be paid one shilling and three pence; and for every head of hogs and sheep, shall be paid seven pence half penny, current money of this Province; and for passing of each horse and man over Dauho creek, shall be paid the sum of two shillings and six pence; and for passing over every single person, shall be paid the sum of one shilling and three pence; and for every head of cattle swam at the said ferry, the sum of twelve pence; and for every head of sheep and hogs, seven pence half penny, current money of this Province; and for passing of each horse and man over Santee river, at the said Jonathan Skeine's, and landing in the swamp, shall be allowed five shillings, and when carried up to the lower landing, on the lake, the sum of seven shillings and sixpence, and when up to the bluff, on the upper lake, the sum of ten shillings; and for swimming of every head of cattle, the sum of one shilling and three pence; and for each head of sheep and hogs, carried in the boat, the sum

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of one shilling and three pence; and for every single person, half the price allowed for a man and horse, respecting the place of landing.

III. *And be it further enacted* by the authority aforesaid, That the persons herein appointed to keep the said ferries, shall keep their ferry boats in good and sufficient repair, from time to time and at all times, during the continuance of the said ferries, and shall cause constant attendance to be given at the said ferries, as aforesaid, under the several penalties and forfeitures following, that is to say: for non-attendance, the first hour, the sum of ten shillings, current money, and for every hour after, forty shillings, current money of this Province, except the winds and weather shall prevent the attendance of the said ferries; and every justice of the peace in the counties wherein the said ferries are established, upon information made to him upon oath, in writing, of such neglect, by any passenger who shall be delayed thereby, shall, and is hereby empowered to, levy such forfeitures by warrant of distress, under his hand and seal, directed to any adjacent constable; and in case no distress can be made on the goods of the defaulter, then the said warrant shall be against the body of the said defaulter, who, upon refusing to pay any penalty incurred by virtue of this Act, shall be committed to the gaol in Charlestown, until such time as he shall fully satisfy and pay the same, with the costs and charges arising thereby; which said penalties, when recovered, shall be applied to the use of the poor of the parish where the said ferries are established.

Penalty for neglect.

IV. *And be it further enacted* by the authority aforesaid, That all persons under arms in time of alarms and expresses, shall have their ferriage free, themselves, their servants and horses.

V. *And be it further enacted* by the authority aforesaid, That a ferry be set up and established from the lower bluff on Long point, on Charlestown Neck, to the plantation of the late Richard Codner, on Daniel's island; and that the owner or keeper of the said ferry shall be allowed for carrying over each horse and man, the sum of ten shillings, current money; and for each single passenger, the sum of five shillings, current money; and for any neat cattle, per head, the sum of ten shillings; and for sheep or hogs carried over in the said boat, two shillings and six pence per head; and that his Excellency the Governor and his Majesty's Council be empowered to agree with and appoint two fit persons to procure and keep two good and substantial ferry boats for the service aforesaid, with two good and able men, giving preference to the owners of the land where the said ferries are to be set up, to work and attend each of the said boats; the one of which ferry boats shall be kept at the aforesaid Bluff on Long Point on Charlestown Neck, and the other at the plantation of the said Codner, on Daniel's Island; and the said undertakers of the said ferry, and their heirs, shall have the sole right of the said ferry for and during the term of seven years, and be subject to the forfeitures and penalties in case of neglect, as the undertakers or owners of other ferries in this province are subjected and liable to by virtue of this Act.

Ferry from Long Point to Daniel's island.

VI. *And be it further enacted* by the authority aforesaid, That all persons going to or from any place of divine worship, shall be put over the several ferries on Sundays, free from paying any ferriage in any part of this Province, except the ferry on Charlestown Neck; any law usage, or custom to the contrary in any wise notwithstanding.

Who may pass the ferries free.

VII. *And whereas*, several servants have of late run away from their masters to the northward, to the great detriment of their said masters, and in order to prevent the like for the future, *Be it enacted* by the authority

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Suspected persons to be examined before passing.

aforesaid, That whosoever shall keep the ferry from the landing of Mr. Samuel Masters to the landing of George Smith, deceased, over Winyaw river, shall not presume to carry over any person to the northward, unless he has a certificate from a justice of the peace, except he personally knows him; but if it shall so happen, that any person shall come to the ferry, in order to go to the northward, not having any certificate, nor being personally known to the said ferryman as aforesaid, that the said ferryman shall apprehend all such persons, and carry them before the next justice of the peace; and if, upon examination, the said justice shall suspect him or them to be a servant or servants, or sailors, he shall commit him or them to the custody of the next constable, until he or they can produce sufficient proof to the said justice of the peace, that he or they be free; and for every sailor, a note or license from his commanding officer; and in case it shall not appear that the said person or persons are free, in fifteen days after commitment, that then the said constable shall put up public advertisements thereof at the parish church, and shall take the first opportunity to send advertisements to Charlestown; and if the person or persons so apprehended shall happen to be a servant or servants, or sailors, the master of such servant or servants, or commander of such sailors, shall pay unto the said ferryman five pounds for each servant, as an encouragement, besides all reasonable charges, as well to the ferryman as the constable; to be ascertained by a justice of the peace in the parish, and levied by warrant of any justice of the peace in this Province.

Penalty on ferryman for default.

VIII. *And be it further enacted* by the authority aforesaid, That if the said ferryman shall presume to carry over any person or persons contrary to the true intent and meaning of this Act, that then the said ferryman shall forfeit the sum of twenty pounds current money; one half to the informer, and the other half to the poor of the parish of Prince George; to be levied by warrant, from under the hand and seal of any justice of the peace of Craven county.

Roads to be made to the landings.

IX. *And whereas*, it will be necessary that roads should be laid out to the said ferries, and houses and conveniences built for habitations for the persons employed in working and attending the ferries. *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for the commissioners of the roads of the several districts where the said ferries are situated, and they are hereby required and directed, to lay out good and convenient roads to the landings of the several ferries directed to be established by this Act, in the same manner as the public roads are ordered and directed to be laid out, causways over marshes adjoining to the rivers or landings excepted, which shall be made and kept in repair at the sole charge of the undertakers of the said ferries; and if the owners of the landings shall not think fit to undertake the said ferries, and to erect such houses and conveniences for the ferrymen aforesaid, that then it shall and may be lawful for the undertakers of the said ferries for the time being, and they are hereby empowered and directed, to erect convenient houses for the said ferrymen; paying and allowing to the owners such rent for the ground whereon the said houses shall be erected, and for the use of the landing, such a yearly rent as shall be agreed on by an indifferent person chosen by the parties owning the said land, and a person chosen by the undertakers of the said ferry, who shall be on their oaths; and if they cannot agree, that then and in such case, they shall choose a third person to decide what rent shall be paid, yearly, by the undertaker for the house and landing at the said ferries; which shall be deemed to be, and the

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owner of the said landing shall be obliged to accept of the same, as a full and sufficient annual rent for the said houses and landing; and if the owner of the said landings shall, after such adjustment of the rent to be paid him as aforesaid, refuse to permit the undertaker of the ferry to erect such conveniences, or to make use of his landing, he shall forfeit the sum of fifty pounds, proclamation money, for every such offence; one half to the person undertaking the said ferry where the offence shall be committed, and the other half to his Majesty, for the use of the Province; to be recovered by bill, plaint or information, in any court of record of this Province, wherein no essoign, protection or wager of law, shall be allowed.

X. And *whereas*, from the ferry to be settled from the landing of Richard Codner, on Daniel's Island, a road passes over Owendaw creek, to Santee, Winyaw, and other places. *Be it enacted* by the authority aforesaid, That the commissioners of the roads for that district, do, forthwith, cause to be repaired the bridge over the said creek of Owendaw; and they are hereby authorized and empowered to assess the inhabitants of the parish of Christ Church, and of the middle and lower district of the parish of St. James Santee, to the plantation of Mr. John Genderon, inclusive, for defraying the charges thereof.

XI. And *whereas*, the causway and bridge over Whittee Swamp is now out of repair and almost unpassable. *Be it enacted* by the authority aforesaid, That the commissioners for the upper district of the parish of Saint James Santee, shall be, and are hereby, empowered to amend and repair the same, at the equal charge and labor of the inhabitants of the upper district, from the plantation of Mr. John Genderon, exclusive; and the said inhabitants and commissioners of the said district shall not be concerned nor chargeable with the repairs of the said Owendaw bridge.

WILLIAM DONNING, *Speaker.**Charlestown, Council Chamber, August the 20th, 1731.**Assented to:*

ROBERT JOHNSON.

AN ACT FOR LAYING OUT A PUBLIC ROAD FROM THE FERRY AT MR. No. 546.

JOHN PARKER'S PLANTATION, ON THE WEST SIDE OF PON PON RIVER, IN THE PARISH OF SAINT BARTHOLOMEW, TO THE ROUND O SAVANNA.

WHEREAS, the inhabitants of the upper part of the aforesaid parish, who daily increase, are under great inconveniences to carry their produce to a landing, by reason they have no public path established by law. We therefore pray your most sacred Majesty, that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esquire, Governor, Captain-General, and Commander-in-Chief, in and over his
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Road from
Parker's Ferry
to Round O
swamp.

Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, That there be a road or path laid out from the ferry aforesaid, to the Round O Savanna; and that all the inhabitants, and owners of slaves, that live or have any slaves settled between the said ferry and round O Savanna, be obliged, and are hereby directed, to assist in laying out, making, and keeping in repair, the said road or path, according to the directions of the commissioners hereinafter named.

Commissioners

II. *And be it further enacted* by the authority aforesaid, That John Carmichael, Esquire, Mr. William Brown, William Shingleton, Mr. Bryan Kelly, and Mr. John McFear, be, and are hereby, appointed commissioners, to lay out and give directions for making and repairing the said road; and that the said commissioners have the same powers and authorities, and be under the same restrictions and limitations, in laying out, making, and repairing the said road or path, as any other commissioners of the high roads and public paths, in any other part of this Province, are invested with or subject to; any law, usage, or custom to the contrary in any wise notwithstanding.

PAUL JENYS, *Speaker.*

In the Council Chamber, Charlestown, South Carolina, April 13th, 1733.

Assented to:

ROBERT JOHNSON.

No. 552. AN ACT FOR LAYING OUT A PUBLIC ROAD FROM PETER LIEUBREY'S FERRY, OPPOSITE TO JONATHAN SKEINE'S LANDING, TO MR. ROBERT SCRIVEN'S PLANTATION, OPPOSITE GEORGETOWN, IN THE PARISH OF PRINCE GEORGE WINYAW.

WHEREAS, many of the inhabitants and travellers in the aforesaid Parish of Prince George Winyaw, do often meet with great inconveniences for want of a road established by law, from Lieubrey's Ferry aforesaid, to the said plantation of Robert Scriven. We therefore pray your most sacred Majesty that it may be enacted, and

Road laid out
from Lieubrey's
ferry to
Scriven's.

I. *Be it enacted*, by his Excellency, Robert Johnson, Esquire, Captain-General, Governor, and Commander-in-chief, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That there be a road or path laid out from Lieubrey's aforesaid, to the plantation of Robert Scriven; and that all the inhabitants and owners of slaves, that live or have any slaves settled on the north side of Santee, and the south side of Sampit, from the plantation of Madame Courage, downward to that of Robert Scriven, be obliged, and are hereby directed, to assist in laying out, making, and keeping in repair the said road or path, according to the directions

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of the commissioners hereinafter named; and that all such persons be exempted from working on any other road or path without their precinct.

II. *And be it further enacted* by the authority aforesaid, That Elias Horry, sen., Robert Stewart, Abraham Meshew, James Robert, and John Summers, be, and are hereby, appointed commissioners to lay out and give directions for making and repairing the said road; and that the said commissioners, or any three of them, have the same powers and authorities, and be under the same restrictions and limitations, in laying out, making or repairing the said road or path, as any other commissioners of the high roads and public paths in any other parts of this Province are invested with or subject to; any law, usage or custom to the contrary in any wise notwithstanding.

Commissioners

PAUL JENYS, *Speaker.**In the Council Chamber, the 7th June, 1733.**Assented to by*

ROBERT JOHNSON.

AN ACT FOR VESTING THE FERRY OVER SANTEE RIVER, IN THE PARISH OF ST. JAMES SANTEE, IN CRAVEN COUNTY, IN JOSEPH SPENCER, OF THE SAID PARISH AND COUNTY, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR A NUMBER OF YEARS THEREIN MENTIONED. No. 557.

WHEREAS, the high road leading to the ferry over Santee river in Craven County, commonly called Jermain's Ferry, leads through the land of Joseph Spencer, of the same parish and county, and very near to his dwelling house, by reason whereof, the said ferry ought to be vested in the said Joseph Spencer, as being nearest situated to the same, and thereby best able to give due and constant attendance at the said ferry. We therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esquire, Governor, Captain-General, and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the said ferry over Santee River, commonly called Jermain's ferry, be, and is hereby declared to be, vested in the said Joseph Spencer, his executors, administrators, and assigns, from the day of the ratification of this Act, for and during and unto the full end and term of seven years from thence next ensuing, and fully to be complete and ended, and from thence to the end of the next session of the General Assembly.

Jermain's ferry
vested in Jos.
Spencer.

II. *And be it further enacted* by the authority aforesaid, That the said Joseph Spencer, his executors, administrators, and assigns, shall, and he and they are hereby required, during the continuance of their having the said ferry vested in them, to find, provide and keep, a good, large, sound, and sufficient ferry boat or ferry boats, for transporting and carrying of

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men, horse, and cattle over the said river ; and also, two able and sufficient negroes or white persons, who shall constantly attend the said ferry at all times of the day and night throughout the year, to ferry over all passengers, their horses, servants, and slaves, when and as often as there shall be occasion.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Joseph Spencer, his heirs, executors, administrators and assigns, to have, take and receive, to his and their own proper use, benefit and behoof, in the current money of this Province, the several rates and sums of money following, and no more, that is to say :—for every man, woman or child, (children in arms excepted) ferried over the said ferry, the sum of ten shillings ; for every man and horse, the sum of twenty shillings ; for every ox, cow, or other neat cattle, either ferried or swam over the said ferry, the sum of twenty shillings each ; and for every hog or sheep, the sum of two shillings and six pence.

IV. *And be it further enacted* by the authority aforesaid, That in case any person coming to the said ferry in order to pass over the said river, shall meet with unreasonable delays, or be retarded for want of the said ferry boat coming to transport them over the said river, their horses or cattle, from one side to the other of the said river, he the said Joseph Spencer, his executors, administrators and assigns, who shall then be in possession of the said ferry, shall forfeit for every such delay, the sum of five shillings an hour, current money ; one half to the poor of the parish, and the other half to the person complaining or making oath of the same before any magistrate or justice of the peace ; upon due conviction, to be recovered as in the Act for trial of small and mean causes is directed ; *provided*, the said complaint be made in ten days after the said delays shall happen, and not after.

PAUL JENYS, *Speaker.**In the Council Chamber, the 22d September, 1733.**Assented to :*

ROBERT JOHNSON.

No. 558. AN ACT FOR ESTABLISHING A FERRY AT THE PLANTATION OF WILLIAM WATSON, IN CHRIST CHURCH PARISH, COMMONLY CALLED HABCAW, TO CHARLESTOWN ; AND FOR MAKING A PUBLIC ROAD FROM THE SAID PLANTATION DIRECTLY TO THE HIGH-ROAD IN THE SAID PARISH ; AND ALSO, FOR THE MAKING A NAVIGABLE CUT NEAR THE PASSAGE CALLED THE BREACH, NOW STOPPED UP BY THE SEA.

WHEREAS, a ferry at the plantation of William Watson, in the parish of Christ Church, commonly called Habcaw, to Charlestown, is found to be very convenient for the inhabitants who live in the north parts of this Province ; and also, that a cut in a convenient place, near the passage called the Breach, now stopped up by the sea, be also made for the safety and

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case of the said inhabitants, transporting their goods and effects by water to Charlestown: we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor, Captain-General and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Assembly of this Province, and by the authority of the same, That a public ferry be, and is hereby, established at the plantation of William Watson, in the parish of Christ's Church, commonly called Habcaw, to Charlestown, which shall be, and is hereby, vested in the said William Watson, his heirs and assigns, for the space of seven years, who is hereby impowered to agree with any person or persons who shall undertake the looking after the said ferry; and there shall be found and provided a proper boat or boats, which shall be able to carry over horses and men; and the said William Watson, or those with whom he shall agree, shall constantly and at all hours, by night or day, with sufficient servants or slaves, attend to carry over passengers, their horses, servants and slaves, for which he shall be allowed the following rates, that is to say: for a single person or two, the sum of ten shillings each, and for three or more, seven shillings and six pence each; and for a horse, twenty shillings; and for a horse and man, also twenty shillings, and no more; and for every one or two head of cattle, twenty shillings per head, and for three or upwards, fifteen shillings each. And the said William Watson, his heirs or assigns, shall at all times keep his boats in good repair, and at all times, as aforesaid, give constant attendance, under the penalties and forfeitures following, that is to say; for every hour, the sum of five shillings, to be levied, upon full proof made, by a warrant of distress, under the hand and seal of any justice of the peace in Berkley county; directed to a lawful constable, against the goods of the offender, and on sale thereof, the overplus, after charges deducted, to be returned to him, the rest to be paid to the church wardens for the use of the poor of the parish.

II. *And be it further enacted* by the authority aforesaid, That a public road be made from the said plantation and ferry, in a direct course, and as straight as may be, till it meets the public road leading to church; and that the inhabitants who live between the two creeks known by the names of Shemey and Wakendaw, and from the plantation of Samuel Ash to that of the said William Watson, inclusive, be, and are hereby, obliged to make and keep the said road in repair, in the same manner as is prescribed in the Highway Act.

III. *And be it further enacted* by the authority aforesaid, That the following persons, viz: Mr. Andrew Queloh, Samuel Ash, and Capt. Thos. Herbert, be, and are hereby appointed, commissioners for establishing the said ferry, and making and keeping the said road in repair; and also, that the inhabitants who are to make the said road, and keep it in repair, be excused from working on any other road in the said parish.

IV. *And be it enacted* by the authority aforesaid, That a navigable cut be made at a convenient place near the Breach, for loaded perryauguas and other craft, at the charge of the parishes of Prince George Winyaw, St. James Santee, and Christ's Church, by an equal assessment on the inhabitants of the said three parishes, and their male working slaves.

V. *And be it enacted* by the authority aforesaid, that the following persons, viz: Mr. Thomas Barksdale, Noah Serie, and Elias Horry, be, and are hereby appointed, commissioners for making the said cut, who are

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Commissioners hereby empowered to agree with any person or persons who are willing to undertake the making the said cut navigable, for any sum or sums of money, and the same to assess by an equal tax or rate on the inhabitants, as aforesaid, of the said three parishes; and in case of default or non-payment of the same, to levy it by a warrant of distress, under their hands and seals, and sale of the offender's goods, returning the overplus, after charges deducted, to the said offender; the said warrant to be directed to any lawful constable.

VI. *And be it enacted* by the authority aforesaid, That the commissioners for making the said cut be allowed the sum of twenty shillings each, per day, for their charges during the time they shall give their attendance, and the said charges of the commissioners to be included in the assessment; and that they do begin the said cut on or before the fifteenth day of October next, under the penalty of twenty pounds, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record; wherein no essoign, injunction, protection or wager of law, or any more but one imparlance, shall be allowed or admitted.

May plead the general issue. VII. *And be it enacted* by the authority aforesaid, That if any of the commissioners named in this Act, or any other employed by them in the execution of the same, shall at any time or times be sued by any action, bill, plaint or information, for any matter, cause or thing, by them, or any of them, done by virtue or reason or in pursuance of this Act, or any thing therein contained, that it shall and may be lawful for the said commissioners, or any by them employed in the execution of the same, to plead the general issue, and to give the special matter in evidence to the jury which shall try the same; which special matter being pleaded, had been a good and sufficient matter in law to have discharged the said defendant or defendants of the trespass or other matter laid to his or their charge; any law, statute or usage, to the contrary notwithstanding; and if the verdict shall pass for the said defendant or defendants in any such action or suit, or the plaintiff or plaintiffs therein become non-suit, or suffer any discontinuance thereof, that in every such case the judge or judges before whom such matter shall be tried, or such action or suit shall be brought, shall, and they are hereby required, by force and virtue of this Act, to tax and allow to such defendant and defendants, his or their treble costs, which he or they shall have sustained or be put unto by reason of their wrongful vexation in defence of such action or suit, for which the said defendant or defendant shall have like remedy as in other cases where costs by law are given to the defendant or defendants.

Vacancies. VIII. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners herein appointed should happen to die, depart this Province, or refuse to act, that then and in such case, it shall and may be lawful to and for his Excellency the Governor, or the Governor for the time being, to appoint another commissioner or commissioners in the room and stead of him or them who shall so die, depart this Province, or refuse to act; and such commissioner or commissioners, so appointed, shall have the same powers, advantages and authorities, and be subject and liable to the same penalties, as the commissioners hereinbefore named.

In the Council Chamber, the 22d September, 1733.

PAUL JENYS, *Speaker.*

Assented to:

ROBT. JOHNSON.

Acts relating to Roads, Bridges and Ferries.

A.D. 1733.

AN ACT FOR THE ESTABLISHMENT AND REGULATION OF TWO FERRIES, No. 559.

AT THE PARTICULAR PLACES HEREIN MENTIONED.

WHEREAS, a petition has been exhibited to the General Assembly of this Province, by the inhabitants of John's Island, in Colleton county, and James Island, in Berkley county, setting forth the many difficulties they lie under, for want of two ferries being settled and established at the two places mentioned in their said petition. And forasmuch as the regulating and establishing of ferries will be of great conveniency for the dispatch of business, and for the use of the public in general, we therefore pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor, with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly, and by the authority of the same, That two public ferries be, and are hereby, established, one over Stono river, from Col. Alexander Hext's plantation to Mr Thomas Heyward's plantation, on James Island; the other over Ashley river, from the plantation of Mr. Gabriel Manigault, on James Island, to the White Point in Charles-town, or as near thereto as may be; which said ferries shall be hereby vested in commissioners, namely: for John's island ferry, Col Alexander Hext, Capt. Thomas Heyward, and Mr. John Raven; for James island ferry, Mr. Gabriel Manigault, Mr. John Hyrne, and Mr. William Chapman, for the space of seven years next ensuing the ratification of this law; who are hereby empowered to agree with any person or persons who shall undertake the looking after the said ferries; and there shall be found to each ferry a good and substantial ferry boat; that from John's island, over Stono river, shall carry four horses, at least, and that from James island, over Ashley river, shall carry two horses, at least; and the person or persons so to be appointed by the said commissioners, shall find and provide a sufficient number of slaves or servants, who shall constantly attend the said ferry, as well by night as by day, to carry over passengers, their horses, servants and slaves.

Ferry established over Stono, between Hext's and Heyward's plantations. And one over Ashley river, from Manigault's, on James island, to White Point.

II. *And be it further enacted* by the authority aforesaid, That the person so to be appointed by the said commissioners, shall be allowed for ferryage the several rates and prices following, that is to say: for the ferry over Stono river, for each single person, two shillings and six pence; for a man and horse, five shillings; for cattle, per head, two shillings and six pence; for sheep, hogs and calves, per head, one shilling, if carried in the ferry boat; and for the ferry over Ashley river to White Point, for a single person, seven shillings and six pence, and if more, five shillings each; for a man and horse, ten shillings; for cattle, per head, ten shillings; for sheep, hogs and calves, per head, two shillings. All which rates are to be paid in the current money of this Province.

Tolls.

III. *And be it further enacted* by the authority aforesaid, That the persons who shall have charge of the said ferries shall keep the said ferry boats in good and sufficient repair, from time to time and at all times, during the term of seven years, as aforesaid, and shall cause constant attendance to be given at said ferry, at all times of the day and night, as aforesaid, under the several penalties and forfeitures following, that is to say: for non-attendance the first hour, five shillings, and for every hour after, ten shillings, current money, as aforesaid; and every justice in the said

Penalty for neglect.

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counties, on information made to him upon oath, in writing, of such neglect, by any person who shall be delayed thereby, shall, and is hereby empowered to, levy such forfeitures, by warrant of distress, under his hand and seal, directed to any adjacent constable, on the defaulter's goods; and the money arising from such default shall be applied, the one half to the poor of the parish where the said ferry is established, and the other half to the person and persons who shall be so delayed; *provided*, such complaint shall be made within ten days next after such delay shall happen, and at no time after.

Causeys and
roads to be
made and kept
up to said
ferries.

IV. And forasmuch as it will be necessary that causeys and roads should be laid out and kept up in some particular places leading to the said ferries, and their low water landings, for the conveniency of the persons travelling thereto; *Be it enacted* by the authority aforesaid, That it shall and may be lawful to and for the several commissioners of roads, in the several districts where the said ferries are hereby ordered to be kept, to lay out good and convenient roads; and they are hereby ordered and required to lay out such good and convenient roads to the several landing places of the ferries hereby established, in the same manner as public roads are ordered and directed to be laid out by any law or laws of this Province.

Who exempt
from toll.

V. *And be it further enacted* by the authority aforesaid, That ministers of the Gospel, and all persons under arms in time of alarms, and expresses, shall have their ferriage free, themselves, their servants, negroes and horses.

In the Council Chamber, the 22d September, 1733.

PAUL JENYS, *Speaker.*

Assented to: BOBT. JOHNSON.

No. 560. AN ACT FOR ESTABLISHING A FERRY FROM THE PLANTATION OF COL. SAMUEL PRIOLEAU, CALLED PATTERSON'S POINT, ON PORT ROYAL ISLAND, TO THE LAND OF THOMAS INNS, ESQ., ON THE INDIAN LAND; AND ALSO, A FERRY OVER COMBAHEE RIVER; AND APPOINTING COMMISSIONERS TO LAY OUT ROADS FROM TRENOE TO PURYSBURGH AND PORT ROYAL FERRY.

WHEREAS, a ferry from the plantation of Col. Samuel Prioleau to the Indian land, is found to be very convenient for the inhabitants who reside in the south parts of this Province; and also, another ferry over Combahee river will be equally useful; we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor, Captain-General and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Assembly of this Province, and by

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the authority of the same, That a public ferry be, and is hereby, established at the plantation of Col. Samuel Prioleau, called Patterson's Point, from thence to the land of Thomas Inns, Esq., being the Indian land; which said ferry shall be, and is hereby, vested in the said Col. Samuel Prioleau, his heirs and assigns, during the space of fifteen years; and it shall and may be lawful for the said Col. Samuel Prioleau to agree with any person or persons who shall be willing to undertake the same; and there shall be found a good and sufficient boat, able to carry two horses and men, at the least; and also, the said Col. Samuel Prioleau shall find and provide servants or slaves sufficient to manage the same, and shall, at all times, by night and by day, cause constant attendance to be given to carry over persons, their horses or slaves, under the penalties following, that is, for the first hour's willful neglect, the sum of five shillings, and for every hour after, the sum of ten shillings, to be recovered by warrant of distress, under the hand and seal of any justice of the peace in Granville county, and sale of the offender's goods, returning him the overplus, after charges deducted, the rest to be paid to the church wardens for the use of the poor of the parish of St. Helena. *Provided*, such complaint be made by the person so delayed, within ten days after such delay, and not afterwards. And the said Col. Samuel Prioleau, his heirs and assigns, for the ferrying over persons, their horses or cattle, shall take the following rates or prices, and no more, that is to say: for any single person, the sum of seven shillings and six pence; for any two or more, the sum of five shillings each; for a horse and man, the sum of ten shillings; and for neat cattle, per head, the sum of ten shillings; and for sheep, hogs and calves, per head, two shillings, and neat cattle, per head, the sum of ten shillings.

Prioleau's ferry.

Conditions.

II. *And be it further enacted* by the authority aforesaid, That there shall be one other ferry established over Combahee river, between Colleton and Granville counties, from the plantation of John Jackson, (on which John Barton now lives,) on the said river, to Robert Heele's bluff, on the other side of the said river; which said ferry shall, and is hereby declared to, be vested in such person, his heirs, executors, administrators and assigns, as the commissioners hereinafter named shall appoint and agree, for the like term of fifteen years, and from thence to the end of the next session of the General Assembly; and that it shall and may be lawful to and for the said person, his executors, administrators and assigns, during the said term, to have, receive and take, to his and their own use, the respective rates following, for ferriage over the said river, and no other, that is to say: for a single person, the sum of two shillings and six pence; for a man and horse, the sum of five shillings; for every head of horses or neat cattle, ferried or swam over at the said ferry, the sum of fifteen pence; for every head of hogs and sheep, the sum of seven pence half penny; and that the person appointed by the commissioners in this Act named, shall always, during the said term, keep and maintain a good and sufficient ferry boat, and two able servants or slaves, who shall constantly attend the said ferry, as well by night as by day, for the transporting of all persons, their slaves, horses and cattle, over the said ferry.

Ferry over Combahee river.

III. *And be it further enacted* by the authority aforesaid, That there shall be laid out, by the commissioners hereafter named, two public roads from the said Heele's bluff, the one to the ferry over Cusaw river, at the said Thomas Inn's land, and the other to the town of Puryburg, on the Savannah river; which said roads shall be laid out in the most commodious and direct manner that may be.

Two roads to be laid out from Heele's Bluff, one across Cusaw river, and one to Puryburg.

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IV. *And be it further enacted* by the authority aforesaid, That Col. John Palmer, Mr. Joseph Brian, and Mr. Hugh Bryan, be, and are hereby appointed, commissioners for laying out the said roads, and inspecting and seeing that the said ferry over Combahee river be duly and sufficiently kept and maintained; and that the said commissioners shall have power to take subscriptions from well disposed persons, for laying out the said roads; and that all the monies to be had and received by the said commissioners from the said subscriptions, shall be duly laid out by the said commissioners, in laying out and keeping the said roads; and that the said commissioners shall render an account of all the monies by them to be received on the said subscriptions, and how the same shall be by them applied, to the church wardens of the parish of St. Helena, at the end of eighteen months next after the first subscription shall be made.

In the Council Chamber, the 22d September, 1733.

PAUL JENYS, *Speaker.**Assented to:*

ROBT. JOHNSON.

No. 562. AN ACT FOR VESTING THE FERRY OVER ASHLEY RIVER IN EDMUND BELLINGER, Esq., FOR A NUMBER OF YEARS THEREIN MENTIONED.

WHEREAS, Edmund Bellinger, Esq., hath, for several years last past, been at great charge and expense in maintaining and keeping the causeway leading to Ashley river ferry in repair, which, by the frequency of the storms of late years, hath been damaged more than heretofore was usual. And *whereas*, the land of the said Edmund Bellinger, called Stoney Point, lies very contiguous and convenient for supplying stones and timber for maintaining and keeping in repair the landings and causeway of the said ferry—we humbly pray your most sacred Majesty that it may be enacted,

Ashley ferry
vested in E.
Bellinger.

Conditions.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor, Captain-General and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the ferry over Ashley river, commonly called Ashley Ferry, be, and is here declared and enacted to be, vested in the said Edmund Bellinger, his executors, administrators and assigns, from the day of the ratification of this Act, for and during and unto the full end and term of seven years, from thence next ensuing, and fully to be complete and ended, and from thence to the end of the then next session of the General Assembly; and that it shall and may be lawful to and for the said Edmund Bellinger, his executors, administrators and assigns, during the term aforesaid, to have, receive and take, to his and their own proper use, benefit and behoof, of and from all and all manner of persons passing and re-passing the said ferry, the several rates and sums following, that is to say: for every single person ferried over at the said ferry, the sum of seven pence half penny; for a man and horse, the sum

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of fifteen pence ; for a chaise and horse, five shillings ; for a coach and a pair, seven shillings and six pence ; for a coach and four, ten shillings ; for every head of horses or neat cattle, ferried or swam over at the said ferry, the sum of fifteen pence ; for every head of hogs or sheep, the sum of six pence, in the current bills of this Province.

II. *And be it further enacted* by the authority aforesaid, That the said Edmund Bellinger, his executors, administrators and assigns, shall, and they are hereby required to, keep the causey leading through the march to the said ferry, in good, sufficient and constant repair, at his and their own cost and charge ; and shall, also, during the term aforesaid, find and provide a good, large, sound and sufficient ferry boat or ferry boats, for transporting of man, horse and cattle, chaise or coach, over the said ferry ; and shall also find and provide two able and sufficient negroes or white persons, who shall constantly attend the said ferry, as well by night as by day, to ferry over all passengers, their horses, slaves and servants, when and as often as there shall be occasion.

To keep causey in order.

III. *And be it further enacted* by the authority aforesaid, That in case any person or persons coming to the said river, in order to pass over the same, at the said ferry, shall meet with unreasonable delays, or being retarded for want of the said ferry boat coming to transport them over the said ferry, he the said Edmund Bellinger, his executors, administrators and assigns, shall forfeit and pay, for every time such delay shall happen, to the person and persons so delayed, for the first hour such person shall be so delayed, the sum of five shillings, and for every hour after, the sum of ten shillings, current money, to be recovered before any of his Majesty's justices of the peace for Berkley county, in the same manner as is directed by the Act of the General Assembly of this Province, for the trial of small and mean causes. *Provided*, such person and persons who shall be so delayed, make his and their complaint within ten days next after such delay shall happen, and at no time after.

Penalty for neglect.

IV. *And whereas*, the causway leading to the said ferry is not sufficient or safe for coaches or carts to go to and from the said ferry, for want of being a proper breadth of the same ; *Be it enacted*, That the said Edmund Bellinger shall, within the space of one year after the ratification of this Act, make the same a good and sufficient causeway, twelve foot broad on the top, with one stand or place at the middle distance on the said causway, be made eighteen foot wide and forty foot long, and a convenient stand at the end of the said causway, at the river, under the penalty of two hundred pounds, proclamation money, to be recovered in any court of record in this Province, by action of debt, bill, plaint or information ; wherein no essoign, privilege, protection, wager of law, or stay of prosecution, by *non vult ulterius prosequi*, or otherwise, shall be admitted or allowed of ; one half thereof to his Majesty, to be applied towards the making and keeping in repair the said causway, and the other half to him or them that will inform and sue for the same ; and that the said causway shall be kept in due repair from time to time, of which the commissioners hereinafter mentioned, shall be judges ; he, the said Edmund Bellinger, his executors, administrators and assigns, on complaint and proof thereof made before the said commissioners, shall forfeit the sum of fifty pounds, current money, to be levied by warrant under the hands and seals of the said commissioners, and shall be paid to the church wardens of the parish of St. Andrew, for the use of the poor thereof.

To make the causey 12 feet wide, &c.

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Commissioners

V. *And be it further enacted* by the authority aforesaid, That Col. William Bull, Mr. Roger Sanders, and Mr. William Elliot, jun., be, and are hereby appointed, commissioners of this Act, and to see the same duly put in execution.

Who exempt from toll.

VI. *And be it further enacted* by the authority aforesaid, That the Governor for the time being, all ministers of the Gospel, all persons going to and from any place of divine worship, and all persons going to and from in time of muster of the militia, and alarms, be, and are hereby declared to be, exempted from paying any ferriage at the said ferry, for passing and repassing the said ferry, themselves, their horses and servants; any thing hereinbefore contained to the contrary notwithstanding.

In the Council Chamber, the 22d of September, 1733.

PAUL JENYS, *Speaker.*

Assented to: ROBT. JOHNSON.

No. 580. AN ACT FOR ESTABLISHING A FERRY AT NORTH EDISTO RIVER, FROM A PLACE CALLED THE POINT OF PINES, BELONGING TO MR. PAUL GRIMBALL, ON EDISTO ISLAND, TO MRS. BRIAN'S LANDING NEAR LEADENWAW CREEK, ON WADMALAW ISLAND, OR AS NEAR THERETO AS MAY BE, IN THE PARISH OF ST. PAUL'S IN COLLETON COUNTY.

WHEREAS, Charles Odengsills, John Jenkins, Paul Grimball, Isaac Grimball, Ebenezer Peckham, Christopher Linkley, William Tilly, Thomas Joyce, Ichabod Wenborn, John Jenkins, jr., Joshua Grimball, Daniel Mitchell, Matthew Cress, John Ceely, James Mitchell, William Conyers, John Sams, John Andrew, Elias Andrew, Joseph Ceely, William Ceely, James Lanning, Joseph Watson, John Hamilton, Christopher Jenkins, William Mellichamp, and Lawrence Mellichamp, by their petition to the General Assembly of this Province, have prayed that a ferry may be established at North Edisto river, from the Point of Pines, belonging to the said Paul Grimball, on Edisto Island, to Mrs. Brian's landing, near Leadenwaw creek, on Wadmalaw Island, or as near thereto as may be. And forasmuch as the establishing and regulating of ferries will be of great convenience for the dispatch of business, and for the use of the public in general—we therefore pray your most sacred Majesty that it may be enacted,

A ferry established at No. Edisto river, from Point of Pines to Brian's landing, and vested in P. Grimball.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor, Captain-General and Commander-in-chief, in and over this Province, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That a ferry be, and is hereby, established at North Edisto river, from the said Point of Pines, belonging to the said Paul Grimball, to Mrs. Brian's landing near Leadenwaw creek aforesaid, or as near thereto as may be; which said ferry shall be, and is hereby, vested in the said Paul Grimball, for the space of seven years next ensuing the ratification of this Act.

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II. *And be it further enacted* by the authority aforesaid, That the said petitioners hereinbefore named, shall, and they are hereby required to, make good and convenient causways at the places aforesaid; and also, to find a good and substantial ferry boat, fit to carry four horses at least, at their own proper cost and charges. Causey to be made, &c.

III. *And be it further enacted* by the authority aforesaid, That the said Paul Grimball shall, and he is hereby required to, keep a sufficient number of slaves or servants, who shall constantly attend the said ferry, as well by day as by night, to carry over passengers, their servants, slaves and horses; and the said Paul Grimball shall be allowed for ferriage the several rates and prices following, that is to say:—for every single person, five shillings; for a man and horse, ten shillings; for cattle, per head, five shillings; for sheep, hogs and calves, per head, fifteen pence. Conditions.

IV. *And be it further enacted* by the authority aforesaid, That in case any person or persons going to the said ferry in order to pass over the same, shall meet with unreasonable delays, or be retarded for want of said ferry boat coming to transport them, he, the said Paul Grimball, shall forfeit and pay, for every time such delay shall happen, to the person or persons so delayed, for the first hour, the sum of ten shillings, and for every hour after, the sum of five shillings, current money; to be recovered before any of his Majesty's justices of the peace in Colleton county aforesaid, in the same manner as is directed by the Act of the General Assembly in this Province, for the trial of small and mean causes; *provided*, that such person shall make complaint within ten days after such delay shall happen. Penalties.

V. *And be it further enacted* by the authority aforesaid, That all and every of the said petitioners above named, shall be exempted from making or contributing towards the making of any other ferry or causey from Edisto Island aforesaid, during the said term of seven years. Exemptions.

PAUL JENYS, *Speaker.**In the Council Chamber, 9th April, 1734.**Assented to:*

ROBERT JOHNSON.

AN ACT FOR THE RE-BUILDING A BRIDGE OVER PON PON RIVER, AND TO APPOINT COMMISSIONERS TO LAY OUT A ROAD FROM THENCE TO THE FERRY ON COMBEE RIVER. No. 581.

WHEREAS, the bridge that was formerly built over Pon Pon river, hath been destroyed by a flood or rising of the said river; for the ease of passengers and travellers, and for the opening a more safe and better communication to the southern frontier of this Province, we humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esquire, Governor, Captain-General and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, and the

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authority of the same, That the commissioners hereinafter named and appointed by this Act, shall cause to be rebuilt and erected, a good and substantial bridge over Pon Pon river, where the bridge formerly stood, at the plantation of Captain John Jackson, on the said river.

Bridge to be
rebuilt over
Pon Pon.

II. *And be it further enacted* by the authority aforesaid, That the said bridge shall be rebuilt and erected at the cost, charge and expense of the inhabitants and owners of slaves in the two adjoining parishes, that is to say :—the one half of the expense to be levied on all the male inhabitants from the age of sixteen to sixty, in the parish of Saint Paul's. and the other half to be levied on all male inhabitants as aforesaid, in the parish of Saint Bartholomew's, in Colleton county, in the Province aforesaid; and the commissioners hereinafter named are hereby authorized, empowered and required, to make an assessment on all and singular the male inhabitants, from the age of sixteen years to the age of sixty, in the said parishes, and either of them, for and towards defraying the charge and expense of rebuilding and erecting the said bridge.

Commissioners
& their power.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners, or the major part of them, shall have, use and exercise, the same powers and authorities, in rebuilding and erecting the said bridge, and in making the assessment for defraying the charge and expense thereof, and keeping the same in repair after the same shall be rebuilt, as the several commissioners of high roads or public paths have in this Province by virtue of any Act or Acts of the General Assembly.

IV. *And be it further enacted* by the authority aforesaid, That Capt. Anthony Matthews, Mr. John Bee, jr., Mr. Daniel Hendrick, Mr. John Jackson, and Mr. John Andrews, be, and are hereby appointed, commissioners for putting in force and executing this Act, and every matter and thing relating to the said bridge over Pon Pon river.

Road from said
bridge to Ashe-
poo and thence
to Combee
ferry.

V. *And whereas*, a road from the bridge aforesaid to the plantation of Benjamin Godin, Esquire, on Ashepoo river, and from thence to the marsh leading to Combee ferry at Combee river, is much wanted, and would be of great service to the inhabitants of this Province travelling to the southward frontiers, it being the nearest way to the new settlement of Purysburgh and colony of Georgia. *Be it therefore enacted* by the authority aforesaid, That Thomas Butler, William Jackson, and William Webb, be appointed commissioners for laying out a road and putting the same in repair, from the said bridge to the said plantation of Benjamin Godin, at Ashepoo, inclusive; and that all the male inhabitants from the age of sixteen to sixty, of the south side of the road leading to the Horseshoe, as far as the Horseshoe Bridge, be obliged to work on the said road; and that also, William Livingston, Henry Hyrne, and Richard Baker, be appointed commissioners for laying out a road and keeping the same in repair, from Ashepoo river aforesaid to Combee ferry aforesaid; and that all the male inhabitants from the age of sixteen to sixty, residing on the south side of Ashepoo river, be obliged to work on the same.

Commissioners

Who to work
on.

VI. *And be it further enacted* by the authority aforesaid, That all the inhabitants from the age of sixteen to sixty, who live above the old bridge at the head of Ashepoo river, and the west side of the creek between Wannel's Neck and Brian's Neck, shall, and they are hereby required to, build a new bridge, or rebuild the old one, over the head of Ashepoo river, and keep the same in repair; and to lay out and keep in repair a road from the said bridge at the head of Ashepoo river to Saltcatcher river, leading to the Rangers fort, or where the commissioners hereinafter mentioned shall

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think most convenient; which said inhabitants last above mentioned shall be, and they are hereby, exempted from working on or being assessed for any other road or bridge in the said parish.

VII. *And be it further enacted* by the authority aforesaid, That Col. Joseph Blake, Esquire, John Bull, and William Bellinger, be, and are hereby appointed, commissioners for the bridge and road last above mentioned; which said commissioners, and all and every other the commissioners hereinbefore named, shall have all the powers and authorities for the putting this Act into execution, as any other commissioners of roads have by any Act of Assembly of this Province.

Power of commissioners.

PAUL JENYS, *Speaker.*

In the Council Chamber, the 9th of April, 1734.

Assented to:

ROBERT JOHNSON.

AN ACT TO APPOINT COMMISSIONERS TO LAY OUT AND MEND ROADS AND APPOINT FERRIES FOR THE PARISHES OF PRINCE GEORGE WINYAW AND PRINCE FREDRICK; AND TO EXPLAIN PART OF AN ACT ENTITLED "AN ACT FOR DIVIDING THE PARISHES OF SAINT PAUL'S, IN COLLETON COUNTY, AND PRINCE GEORGE WINYAW, IN CRAVEN COUNTY;" AND TO APPOINT A FERRY OVER SANTEE RIVER. No. 587.

[The original of this Act is illegible. The following is copied from Grimke, p. 141.]

WHEREAS, it contributes greatly to the ease and advantage of the inhabitants of this Province, if proper roads and ferries are laid out and appointed in the several parts thereof; and it is absolutely necessary to alter several roads and make others new, and to appoint ferries, in the Parishes of Prince George and Prince Frederick, Winyaw, for the ease and advantage of all persons that have affairs to transact in the said parishes.

I. *Be it therefore enacted*, That _____ be, and are hereby appointed, commissioners of the high roads, for that part of the parish of Prince George Winyaw, commonly called by the name of Waccamaw Neck, which district shall be extended between the Waccamaw river and the sea, as far as the Province line.

Commissioners of roads for Waccamaw Neck.

II. III. IV. V. VI. VII. VIII. *Obsolete.*

IX. *Be it enacted*, That a ferry be established to pass over Santee river, either at the plantation of John Sullivants, or at Farewell's creek. (*The Santee. rest of this clause obsolete.*)

X. *Obsolete.*

XI. The commissioners of the parishes or districts on each side of Santee river, are hereby empowered to summon the inhabitants of their several districts, to lay out and put in order the said roads or paths, in the most convenient places they shall think proper, to pass the said ferry over Santee river.

Commissioners

A. D. 1735.

*Acts relating to Roads, Bridges and Ferries.*Ferries over
Black river
and Winyaw.

XII. The commissioners of the several districts of the parishes of Prince Frederick and Prince George, Winyaw, shall appoint ferries on such places over Black river and over Winyaw river, as the commissioners of the districts on each side of the said rivers where the ferry shall be appointed, shall think proper. (*The rest of this clause obsolete*)

Conditions.

XIII. And the commissioners are hereby empowered to lay out and assign one acre of land on each side of the river where the ferry shall be appointed, for the use of the said ferry. *Provided*, that the said commissioners do pay the owners or proprietors of such lands, the sum of ten pounds current money, for each acre, when the said owners or proprietors shall demand the same, except such ferry should happen to land within the fenced plantation or pasture of any person joining to the said river.

XIV. *Obsolete.*Line of the Pa-
rish of Prince
George Win-
yaw.Line of Prince
Frederick.

XV. And *whereas*, by an Act entitled "An Act for dividing the parishes of Saint Paul, in Colleton County, and Prince George Winyaw, in Craven County," among other things it is enacted, "That the line which divideth the parishes of Prince George Winyaw and Prince Frederick's, shall go over Black river at the plantation of John Bogg, and from the said plantation of John Bogg, to be included in the town parish, in a due north line till you come to Peedee river;" which said Act has not sufficiently provided for the division of the parishes. *Be it therefore enacted*, That the said north line from John Bogg's plantation on Black river, to Peedee river, be extended due north, over Peedee river, until it comes to the utmost bounds of the Province; and that all that tract of land to the east of the said line between that and the sea, be deemed and accounted as part of the parish of Prince George Winyaw; and on the other side of the said line to the west, be deemed in the parish of Prince Frederick.

What head of
Green's creek.

XVI. And *whereas*, there may disputes hereafter arise concerning which part of John Green's creek, mentioned in the said Act, shall be accounted the head thereof. *Be it therefore enacted*, That the line between the two parishes shall be run from Dubosk's, as is expressed in the said law; and from thence, as far as the tide rises, which shall be deemed the head of the said creek, and so down the said creek as the said law directs.

May plead the
general issue.

XVII. If any action or actions shall be brought or commenced against any of the said commissioners, or other persons, in any court of record in this Province, for any matter or thing done in pursuance of this law, it shall and may be lawful to and for the commissioner or other person, to plead the general issue, and give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

PAUL JENYS, *Speaker.*

March 29, 1735.

ROBERT JOHNSON.

Acts relating to Roads, Bridges and Ferries.

A. D. 1735.

AN ACT TO APPOINT AND ENABLE CERTAIN COMMISSIONERS TO KEEP IN REPAIR THE ROAD LEADING FROM BACON'S BRIDGE, IN BERKLEY COUNTY, TO THE PARISH LINE NEAR JACKSON'S FERRY; AND ALSO, COMMISSIONERS TO LAY OUT A ROAD FROM THENCE TO THE ROAD ON THE EAST SIDE OF A SWAMP, AT A PLACE CALLED MRS. DRAYTON'S COWPEN. No. 589.

[The original of this Act is lost. The following is copied from Grinke, p. 142.]

FORASMUCH as a petition has been exhibited to the General Assembly of this Province, by divers inhabitants at the head of Horse Savanna, in Colleton county, and on the south of Ashley river in Berkley county, setting forth the many inconveniences they lie under for want of a public road and passage being laid out and made in the several places mentioned in their said petition; and forasmuch as the making and repairing good and convenient roads and passages, is a work at all times fit to be encouraged for the carrying on of business, as well as ease of travellers.

I. *Be it therefore enacted*, that it shall and may be lawful to and for the commissioners hereinafter named and appointed, and they are hereby empowered and required, at any convenient time, to summons all the male persons from the age of sixteen years to sixty, living and residing on each side of the said road, and do make use of the same, between the said parish line and the Cow Savanna, to work and repair the said road from the parish line near Jack's Savanna, to the road on the south side of Ashley river leading to Westo Savanna. (The rest of this clause obsolete.)

II. And a road shall be laid out from the road at the parish line aforesaid, to the road leading from Mr. Thomas Elliott's plantation on the north branch of Stono River, to a place called Mrs. Drayton's Cowpen, and join the said road at the east side of a great Swamp near the said cowpen; and that ————— are hereby appointed commissioners, and they, or any two of them, are hereby empowered, directed and required, with all convenient speed, to lay out the said road; which shall be made, mended, and kept in repair, at the equal charge and labor of the several male persons living and residing on each side of the said road, and that shall make use of the same, from the said parish line to the road leading to Mrs. Drayton's Cowpen.

III. Obsolete.

IV. The commissioners of the public road leading from Westo Savanna westward, are hereby empowered and authorized to oblige all persons who live adjacent to and use the road lately laid out by the commissioners aforesaid, leading from the public high road by Mr Andrew Slann's plantation, to the plantation of Peter Taylor, to make, mend, and keep in repair the said road. (The rest obsolete.)

PAUL JENYS, *Speaker.*

April 25th, 1735.

ROBT. JOHNSON.

A. D. 1735.

Acts relating to Roads, Bridges and Ferries.

No. 590. AN ACT FURTHER TO EMPOWER THE COMMISSIONERS OF THE HIGH ROADS IN THE PARISHES OF ST. PHILIP'S, ST. ANDREW'S AND ST. JAMES GOOSE CREEK, TO COMPLETE AND FINISH THE ROADS IN THE SAID PARISHES RESPECTIVELY.

Road from
Ashley river
ferry to
Charlestown.

From Goose
Creek to
Charlestown.

Commissioners
and their pow-
ers.

WHEREAS, for the carrying on the roads in the said parishes of Saint Philip's, Saint Andrew's, and Saint James Goose Creek, most commodiously for the inhabitants of the said parishes, and other his Majesty's subjects passing and re-passing on the said roads, it will be necessary that the road leading from Ashley river ferry to Charlestown, be continued and carried on from the place where the said road now ends, in a direct line to the Quarter House; and the road leading from Goose Creek to Charlestown aforesaid, be continued and carried on from the bounds of the said parish where it intersects the said road, in a direct line to the said Quarter House. We therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the commissioners of the high roads in the several parishes or districts of Saint Philip's, Saint Andrew's and Saint James Goose Creek, respectively, be, and they are hereby, empowered, authorized and required, to lay out, continue, and carry on the high roads in the said parishes, in manner following, that is to say:—the road leading from Ashley river ferry to Charlestown, shall be laid out, continued, and carried on, from the place where the said road now ends, in a direct line to the Quarter House; and the road leading from Goose Creek to Charlestown, shall be laid out, continued and carried on, from the bounds of the said parish where it intersects the said road, in a direct line to the Quarter House also.

II. *And be it further enacted* by the authority aforesaid, That the commissioners of the said parishes, respectively, shall, and they are hereby required to, lay out, finish and complete such part of the said roads as shall be in their respective parishes, in manner as is above directed, on or before the first day of December next ensuing, on pain of the forfeiture of one hundred pounds, by the said commissioners severally and respectively, who shall so neglect or refuse to finish and complete the said roads; one half to his Majesty, towards finishing and completing the said roads, respectively, and the other half to him or them that will sue for the same, in any court of record in this Province, by action of debt, bill, plaint or information; wherein no privilege, protection, or wager of law, shall be allowed or admitted, nor any more than one imparlance.

III. *And be it further enacted* by the authority aforesaid, That all and every the commissioners of the said parishes, respectively, shall be, and they are hereby, invested with all the powers and authorities for assessing and levying the charges of making the said roads on the several inhabitants of the said parishes, respectively, as are given to any commissioners of high roads by any Act of Assembly of this Province.

PAUL JENYS, *Speaker.*

In the Council Chamber, April the 28th, 1735.

Assented to:

ROBERT JOHNSON.

Acts relating to Roads, Bridges and Ferries.

A. D. 1735.

AN ACT FOR LAYING OUT A ROAD FROM THE ROUND O SAVANNA TO THE PUBLIC ROAD LEADING FROM JACKSON'S FERRY TO HORSE SHOE SAVANNA, AND TO APPOINT COMMISSIONERS FOR THE SAME; AND TO INVEST THE COMMISSIONERS APPOINTED IN AN ACT ENTITLED "AN ACT FOR ESTABLISHING A FERRY FROM THE PLANTATION OF COL. SAMUEL PRIOLEAU, CALLED PATTERSON'S POINT, ON PORT ROYAL ISLAND, TO THE LAND OF THOMAS INNS, ESQ., ON THE INDIAN LAND; AND ALSO, TO ERECT A FERRY OVER COMBAHEE RIVER, AND TO APPOINT COMMISSIONERS TO LAY OUT ROADS FROM THENCE TO PURYSBURGH AND TO PORT ROYAL FERRY," WITH THE SAME POWER AND AUTHORITY AS ANY COMMISSIONERS OF HIGHWAYS HAVE IN THIS PROVINCE.

No. 591.

WHEREAS, a petition has been exhibited to the General Assembly of this Province, by the inhabitants of that part of St. Bartholomew's parish near the Round O Savannah, setting forth the many disadvantages they labor under for want of a road from the said Round O Savannah to Jackson's ferry road, as aforesaid; we therefore pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor and Commander-in-chief in and over this his Majesty's Province, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly, and by the authority of the same, That a road be laid out from the Round O Savannah, as aforesaid, to the public road leading from Jackson's ferry, on Pon Pon river, to the Horse-shoe Savannah; which said road shall be made and kept in repair by the inhabitants adjacent thereto, and making use of the same.

II. *And be it further enacted* by the authority aforesaid, That Mr. Lawrence Saunders, Mr. John Andrews, and Mr. Samuel Sleight, be, and are hereby appointed, commissioners for putting in force and execution this Act, and every matter and thing relating thereto; and that the said commissioners, or the major part of them, shall have, use and exercise the same powers and authorities, in laying out and keeping in repair the said road, as the several commissioners of high roads or public paths have in this Province, by virtue of any Act or Acts of the General Assembly of this Province.

III. *And whereas*, in an Act entitled "An Act for establishing a ferry from the plantation of Col. Samuel Prioleau, called Patterson's Point, on Port Royal Island, to the land of Thomas Inns, Esq., on the Indian land, and also a ferry over Combahee river, and appointing commissioners to lay out roads from thence to Purysburgh and to Port Royal ferry," the commissioners therein named are thereby empowered to lay out the said roads, and to receive the contributions from well disposed persons, for and towards making the same, but have not power to summons the inhabitants within that district to work on the same, as all other commissioners of highways have in their several districts. *Be it therefore enacted* by the authority aforesaid, That Col. John Palmer, Mr. Joseph Bryan, and Mr. Hugh Bryan, the commissioners appointed by the said Act, be, and they are hereby, invested with the same full power and authority in their district, as any commissioners of highways have in this Province.

In the Council Chamber, the 28th April, 1735.

PAUL JENYS, *Speaker.*

ROBERT JOHNSON.

Assented to:

A.D. 1736.

Acts relating to Roads, Bridges and Ferries.

No. 601. AN ACT FURTHER TO EMPOWER THE COMMISSIONERS OF THE HIGH ROADS IN THE PARISHES OF SAINT PHILIP'S, CHARLESTOWN, SAINT JAMES'S GOOSE CREEK, AND SAINT ANDREW'S.

WHEREAS, the road leading from the Quarter House to the parish of Saint James Goose Creek, is, for want of the necessary reparation and amendments thereof, become almost impassable; and the commissioners of the high roads in the parishes of Saint Philip's, Charlestown, Saint James Goose Creek, and Saint Andrew's, for want of certain knowledge in the boundary lines of the said parishes, have not been able to lay out and finish the said roads; for remedy whereof, and that the said road may be laid out and carried on, and from time to time kept in repair, in the most commodious manner, for the use of his Majesty's subjects—we humbly pray your most sacred Majesty that it may be enacted,

Road from
Quarter House
to St. Andrew's,
made a public
road.

I. *And be it enacted*, by the Honorable Thomas Broughton, Esquire, Lieutenant-Governor, Captain-General, and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the commissioners of the high roads in the parishes of Saint Philip's, Charlestown, Saint James's Goose Creek, and Saint Andrew's, shall, within seven months next after the ratification of this Act, lay out, make, continue, and carry on the high road within their respective parishes hereinafter mentioned, that is to say:—that the road from the Live Oak, near the Quarter House, to the parish of Saint Andrew's, as it is now laid out, shall be the common high road for the said three parishes, for the length of thirty-three chain, measuring westerly from the said live oak; and that from the place where the said thirty three chain ends, measuring from the said live oak as aforesaid, the road shall be carried on in a direct line, to the place where the commissioners of the said parishes of Saint James have finished the road leading from the said parish to Charlestown.

Who to keep it
in repair.

Commissioners

II. *And be it further enacted* by the authority aforesaid, That the said high road, in the manner hereinbefore directed, shall be laid out and made within the time aforesaid, and from time to time thereafter kept in repair, by the commissioners of the high roads of the said three parishes, respectively, through which the same shall run; and the said commissioners, and every of them, within their several districts, shall have all and the same powers and authorities, for laying out, making, and repairing the said road, as any other commissioners of the high roads in any other parishes or districts in this Province have, or by law ought to have, within the same.

Penalties.

III. *And be it further enacted* by the authority aforesaid, That if the commissioners of any of the said three parishes shall neglect or refuse to lay out and make the said high road, according to the directions aforesaid, within the said seven months, such commissioners of such parish so refusing or neglecting, shall forfeit the sum of three hundred pounds, current money of the Province aforesaid; to be recovered by action of debt, bill, plaint or information, in any court of record in this Province; the one half of which forfeiture shall be to his Majesty, for making and repairing the said road, and the other half to him or them that will inform and sue for the same.

IV. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or any of them, or any other person or persons,

Acts relating to Roads, Bridges and Ferries.

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shall be sued or prosecuted for what he or they shall do or cause to be done, by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for such commissioners and other person and persons, and every of them, to plead the general issue, and give this Act and the special matter in evidence; and in case the person or persons so suing or prosecuting, shall discontinue his suit, become non-suit, or a verdict shall pass against him or them, every such person and persons shall forfeit and pay, to the defendant and defendants, his and their treble costs of suit; to be taxed by the court in which such suit shall be commenced; and for which the defendant shall have like remedy as is given by law to other defendants; any law or usage to the contrary notwithstanding.

May plead the general issue.

PAUL JENYS, *Speaker.*

In the Council Chamber, the 29th day of May, 1736.

Assented to: THOMAS BROUGHTON.

AN ACT FOR APPOINTING COMMISSIONERS TO LAY OUT A ROAD, FROM No. 603.

THE ROAD THAT LEADS FROM WILTOWN TO CHARLESTOWN, TO THE ROAD THAT LEADS FROM SMITH'S FERRY, OTHERWISE CALLED PARKER'S FERRY, TO CHARLESTOWN, AND TO KEEP THE SAME IN REPAIR.

WHEREAS, many of his Majesty's subjects are put to great inconveniences for want of a road from the road that leads from Wiltown to Charlestown, to the road that leads from Smith's Ferry, otherwise called Parker's Ferry, to Charlestown. We therefore humbly pray your most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by the Honorable Thomas Broughton, Esquire, Lieutenant-Governor, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the commissioners hereinafter named, shall, and they are hereby authorized, empowered, and required to, lay out, make, and keep in repair, a road from the road that leads from Wiltown to Charlestown, to the road that leads from Smith's Ferry, otherwise called Parker's Ferry, to Charlestown, in such place as the said commissioners hereinafter named, or the major part of them, shall think most proper for that purpose.

Road laid out from the Wiltown to the Parker's Ferry road.

II. *And be it further enacted* by the authority aforesaid, That all the male inhabitants from the age of sixteen to sixty, living and residing on the west side of the said road to Pon Pon river, and all the male inhabitants of the said age of sixteen to sixty, within three miles of the said road to the eastward, shall, and they are hereby obliged to, make the said road and keep the same in repair.

Wdo to work on it.

III. *And be it further enacted* by the authority aforesaid, That no persons who are now obliged to work on the road that leads from Smith's Ferry, otherwise called Parker's Ferry, to Charlestown, shall be obliged to work on the road designated by this Act, except such who live and reside

Certain persons exempted.

A. D. 1736.

Acts relating to Roads, Bridges and Ferries.

within three miles of Pon Pon river; any thing to the contrary in any wise notwithstanding; and in case any of the persons obliged by this Act to work on the said road, and shall neglect or refuse to do the same, they shall be liable to the same fines and forfeitures as any persons by any Act of the General Assembly for making roads in this Province are.

Commissioners and their powers
 IV. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, or any two of them, shall have, use and exercise, all the powers and authorities, for putting this Act in execution, which are given to any other commissioners of high roads, and be subject to the same penalties as are inflicted on any commissioners of the high-roads, by any Act of the General Assembly of this Province.

V. *And be it further enacted* by the authority aforesaid, That Mr. John Bee, jun., Mr. Thomas Sacheverell, and William Livingston, Esq., shall be, and they are hereby nominated and appointed, commissioners for putting this Act in execution.

Road from Combahee to Coosah-hatchee, &c.
 VI. *And whereas*, in an Act entitled "An Act for establishing a ferry from the plantation of Col. Samuel Prioleau, called Patterson's Point, on Port Royal Island, to the land of Thomas Inns, Esq., on the Indian land; and also, a ferry on Combahee river, and appointing commissioners to lay out roads from thence to Purysburg and Port Royal ferry," the commissioners therein named were directed to lay out two roads, one from Combahee ferry to the ferry over Coosah river, to Col. Prioleau's plantation; and also, another road from Combahee ferry to the town of Purysburgh; which last mentioned road has not yet been effected, being of too great an extent and undertaking for so few commissioners to direct and supervise; which might be remedied, were the said road divided into two districts, that is to say: from the ferry on Combahee river to that branch of Port Royal river called Coosah-hatchee, be, and is hereby declared to be, one district; and that Col. John Palmer, Mr. Hugh Bryan, Robert Thorpe, Stephen Bull, Esq., and Mr. Jonathan Bryan, be, and they are hereby appointed, commissioners of the said road leading to Coosah-hatchee, and also of the road leading from the ferry on Cambee river to the ferry on Coosaw river, between Thomas Inn's and Col. Prioleau's plantation, on Port Royal Island, and other highways and private paths, already laid out, and to be laid out, within the said district; and they, or any three of them, are hereby invested with the same power and authority, within the said district, as the other commissioners of highways have within their several districts in this Province.

Road from Coosah-hatchee to Purysburg.
 VII. *And be it further enacted* by the authority aforesaid, That the road leading from Coosah-hatchee, aforesaid, to the town of Purysburg, be, and it is hereby appointed to be, another district; and that Hector de Berenger de Beaufane, Esq., Capt. Lafaité, Mr. Thomas Owen, Mr. Holsendorf, and Mr. Purry, be, and they are hereby appointed to be, commissioners of the highways and private paths already laid out, or to be laid out, within the said district; and that they, or any three of them, are hereby vested with the same power and authority, within their district, that the other commissioners of highways have within their several districts.

In the Council Chamber, the 29th May, 1736.

PAUL JENYS, *Speaker.*

Assented to:

THOS. BROUGHTON.

Acts relating to Roads, Bridges and Ferries.

A.D 1736.

AN ACT FOR SETTLING A FERRY ON SANTEE RIVER, AND FOR VESTING THE SAME IN JOHN COLLETON, OF FAIR-LAWN BARONY, ESQ., AND HIS ASSIGNS, FOR THE TERM OF 7 YEARS.

No. 613.

[The original of this Act is lost. The following is copied from Grimke.]

WHEREAS, the increase of the number of the inhabitants of this Province, and the enlarging and extending their settlements therein, makes it necessary to fix and establish ferries, at convenient places, more than at present are established; towards accomplishing which necessary work,

I. *Be it enacted*, That there shall be, from and immediately after the ratification of this Act, one ferry, for the public use, and benefit of all and singular the inhabitants and other persons passing and re-passing in this Province, fixed and established on Santee river, in Berkley county, at a place there formerly called Heyrne's Bluff, and now known by the name of Richmond. (All the rest of this Act obsolete.)

CHARLES PINCKNNY, *Speaker*.

THOS. BROUGHTON.

December 16, 1736.

AN ACT FOR ESTABLISHING A ROAD FROM THE HEAD OF THE PATH No. 624.
THAT LEADS FROM DORCHESTER TO CAPT. IZARD'S COW-PEN, TO THE
TOWNSHIP OF ORANGEBURG.

WHEREAS, several families are lately settled in the township of Oran-
geburg, and upon the lands that lie between the said township and Capt.
Walter Izard's Cowpen, and no road has been by law established for the
convenience of such settlers. We therefore humbly pray your most sacred
Majesty that it may be enacted,

I. *And be it enacted*, by the Honorable Thomas Broughton, Esq., Lieu-
tenant-Governor and Commander-in-chief in and over his Majesty's Pro-
vince of South Carolina, by and with the advice and consent of his Ma-
jesty's Honorable Council and the Commons House of Assembly of this
Province, and by the authority of the same, That the commissioners here-
inafter named shall, and they are hereby authorized, empowered and re-
quired to, lay out, make and keep in repair, a road to lead from the head
of the path that leads from Dorchester to Capt. Izard's Cow-pen, to the
township of Orangeburg, in such place as the commissioners hereinafter
named, or the major part of them, shall think most proper for that pur-
pose.

Road from
head of the
path from Dor-
chester to Iz-
ard's Cowpen,
to Orangeburg

II. *And be it further enacted* by the authority aforesaid, That all male
inhabitants, from the age of sixteen to sixty, living and residing within two Who to work
miles of each side of the said road, from the west side of the Cypress on it.
Swamp to the Four-Hole Swamp, and on the south side of the said road as
far as Edisto river, and on the north side of the said road as far as the

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Four-Hole Swamp, from the said Four-Hole Swamp to Orangeburg township, and all male inhabitants of the age above mentioned, living and residing in the said township, shall, and they are hereby obliged to, make the said road, and keep the same in repair; and in case any of the persons obliged by this Act to work on the said road shall neglect or refuse to do the same, they shall be liable to the same fines and forfeitures as any persons by Act of the General Assembly for making roads in this Province are.

Commissioners, and powers.

III. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, or any two of them, shall have, use and exercise all the powers and authorities, for the putting this Act in execution, which are given to any other commissioners of high-roads, and be subject to the same penalties as are inflicted on any commissioners of high-roads, by any Act of the General Assembly of this Province.

IV. *And be it further enacted* by the authority aforesaid, That Mr. Abraham Dupont, Mr. John Hyrne, Mr. James Coachman, Mr. Benjamin Izard, and Mr. Peter May, shall be, and they are hereby nominated and appointed, commissioners for putting this Act in execution; and it is hereby further *provided*, that the several persons who shall become liable, by virtue hereof, to assist in laying out, making and repairing the said road, shall be summoned to work upon such part of the said road as shall lie nearest and most convenient to their respective habitations or plantations.

V. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or any of them, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue or in pursuance of the direction of this Act, it shall and may be lawful to and for the said commissioners and other persons so sued or prosecuted, to plead the general issue, and give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

In the Council Chamber, the 5th day of March, 1736—7.

C. PINCKNEY, *Speaker.*

Assented to:

THOS. BROUGHTON.

No. 625.

AN ACT FOR BUILDING A BRIDGE OVER ASHEPOO RIVER.

WHEREAS, the high-road leading from Charlestown to Port Royal is rendered very inconvenient and chargeable to travellers, by reason of the several ferries in the way, and particularly of that over Ashepoo river, where a bridge may very easily and conveniently be built; we therefore humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honorable Thos. Broughton, Esquire, Lieutenant-Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this

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Province, and by the authority of the same, That the commissioners hereinafter named and appointed by this Act, shall cause to be built and erected a good and substantial bridge over Ashepoo river, at the place where the high-road leading from Charlestown to Port Royal now crosses the same, that is to say : from that part of a bluff on the plantation of Mr. Edmund Bellinger, commonly called Oketys, where the said high-road is now laid out, to the land of Benjamin Godin, Esq., opposite thereto, on the said river.

Bridge over
Ashepon.

II. *And be it further enacted* by the authority aforesaid, That the said bridge shall be built and erected at the cost, charges and expense of the inhabitants or owners of slaves in the parish of St. Bartholomew, in Colleton county, in the Province aforesaid; and the commissioners hereinafter named are hereby authorized, impowered and required, to make an assessment on all and singular the male inhabitants, from the age of sixteen years to sixty, in the said parish, for and towards the defraying the charge and expense of building and erecting the said bridge, except those who are excepted by an Act for re-building a bridge over Pon Pon river, that is to say : all the inhabitants living above the old bridge at the head of Ashepoo river, and the west side of the creek between Wannel's Neck and Bryan's Neck; and the bridge at the head of Ashepoo river is hereby directed and required to be made and finished within two years next after the passing of this Act; and in case the commissioners for building the said bridge shall refuse or neglect to build the said bridge within the said time, the said commissioners shall forfeit, each of them, the sum of one hundred pounds, current money; the one half thereof to be applied for building the said bridge, and the other half to him or them that will inform and sue for the same; to be recovered in any court of record in this Province, by action of debt, bill, plaint or information; wherein no essoign, protection, privilege or wager of law, shall be admitted or allowed.

Who to be
assessed.

III. *And be it further enacted* by the authority aforesaid, That Mr. David Godin, Mr. William Webb, and Mr. Peter Girardeau, be, and they are hereby appointed, commissioners for putting in force and executing this Act, and every matter and thing relating to the said bridge over Ashepoo river.

Commissioners

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners, or the major part of them, shall have, use and exercise, all the same powers, authorities and privileges, in building and erecting the said bridge, and making the assessment for defraying the charge and expense thereof, and keeping the same in repair after the same shall be built, as the several commissioners of high-roads, public paths or bridges, have in this Province, by virtue of any Act or Acts of the General Assembly.

Their powers.

V. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to die, depart this Province, or refuse to act, that then it shall and may be lawful for his Honor the lieutenant Governor, or the Governor for the time being, to nominate and appoint another commissioner or commissioners, in the room and place of him or them so dying, departing this Province, or refusing to act; which said commissioner or commissioners, so to be appointed, shall have the same power and authorities as if he or they had been originally named and appointed by this Act.

Vacancies.

VI. *And be it further enacted* by the authority aforesaid, That if any

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may be plead-
ed.

action, suit or information, shall be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance or execution of this Act, such person or persons so sued may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become non-suit, or suffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover his or their treble costs, for which he or they shall have the like remedy as in any case where costs by law are given to other defendants.

In the Council Chamber, the 5th day of March, 1738—7.

C. PINCKNEY, *Speaker.*

Assented to :

THOS. BROUGHTON.

No. 626. AN ACT FOR MAKING AND KEEPING IN REPAIR THE ROAD WHICH LEADS FROM WESTO SAVANNA TO THE PLANTATION OF CAPT. PETER TAYLOR, IN ST. PAUL'S PARISH, COMMONLY CALLED WAR-HALL, AND FOR CONTINUING THE SAID ROAD TO THE MOST CONVENIENT ROAD LEADING TO PON PON RIVER.

Preamble.


WHEREAS, the road which leads from Westo Savanna, by the plantation of Mr. Andrew Slan, to the plantation of Capt. Peter Taylor, in St. Paul's parish, commonly called War-hall, has been laid out and partly cleared, but by reason that the same lies mostly on very flat land and several deep swamps, the few inhabitants who are obliged to make the said road have not been able to make the same passable, so as to get their crops to market in due time, but their strength has been employed in working upon other roads, entirely useless to them. And *whereas*, it will be an advantage to the inhabitants residing about the upper part of the said road, that it be continued in the most convenient manner to the next high-road leading to Pon Pon river, by which there will be an useful communication between the said river and Ashley river. We therefore pray your most sacred Majesty that it may be enacted,

Road from
War hall to
Pon Pon.

I. *And be it therefore enacted*, by the Honorable Thos. Broughton, Esq., Lieutenant-Governor and Commander-in-chief in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the said road shall be laid out and continued by the commissioners hereinafter named, in the most convenient manner, from the said road leading from Westo Savanna to the said plantation of Capt. Peter Taylor, to the next convenient high-road leading to Pon Pon river.

By whom to
be made.

II. *And be it further enacted* by the authority aforesaid, That the said road so laid out, and to be laid out, as aforesaid, shall be made and kept in repair by the inhabitants who have plantations on the same, and shall use

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the same ; and the said inhabitants shall be under the direction and inspection of the commissioners hereinafter named, in such manner as the inhabitants of other districts are under their commissioners.

III. *And be it enacted* by the authority aforesaid, That the inhabitants who are hereby obliged to make and keep in repair the said road, in consideration of the extraordinary labor requisite for them to complete the same, shall be exempted from working on all other paths, roads and ways; whatsoever. Exemption.

IV. *And be it enacted* by the authority aforesaid, That Stephen Bull, Esq., Mr. Josiah Waring, and Mr. Andrew Liddal, be, and they are hereby appointed, commissioners for the said road, and shall, and they, or any two of them, shall and may have, use and exercise, all the powers and authorities, relating to the said road, that to any other commissioners of the high-roads do belong, within their several districts in this Province. Commissioners

V. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or any of them, or any other person or persons acting under their authority; shall be sued or prosecuted for any matter or thing by them done by virtue or in pursuance of the direction of this Act, it shall and may be lawful to and for the said commissioners and other persons so sued or prosecuted; to plead the general issue, and give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding. General issue may be pleaded.

In the Council Chamber, the 5th day of March, 1736—7.

C. PINCKNEY, *Speaker.*

Assented to :

THOS. BROUGHTON.

AN ACT TO IMPOWER THE COMMISSIONERS OF THE HIGH-ROADS FOR No. 627.

THE PARISH OF ST. JOHN'S, IN BERKLEY COUNTY, AND THE SEVERAL PARISHES OF ST. THOMAS AND ST. DENNIS, TO RE-BUILD AND KEEP IN REPAIR A BRIDGE COMMONLY CALLED HUGER'S BRIDGE, ON THE EASTERN BRANCH OF COOPER RIVER, RUNNING BETWEEN THE SAID PARISH OF ST. JOHN AND THE SAID PARISHES OF ST. THOMAS AND ST. DENNIS; AND FOR ALTERING THE BOUNDS OF THE SAID PARISHES OF ST. THOMAS AND ST. DENNIS.

WHEREAS, a bridge built over the eastern branch of Cooper river, commonly called Huger's bridge, although it was not built by public authority, hath been found to be of very great use to the public, and absolutely necessary for the inhabitants of each side of the said branch, and may tend very much to the security of this Province in case of alarms. And *whereas*, the said bridge is become so ruinous and decayed that the inhabitants of the said several parishes cannot pass over the same with safety :

Preamble.

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Bridge.

we therefore humbly pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honorable Thos. Broughton, Esquire, Lieutenant-Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the aforesaid bridge commonly called Huger's bridge, shall be, and is hereby declared to be, a public bridge, for the use of all persons to pass and repass over the said branch; and that the commissioners of the high-roads for the said parish of St. John and the said parishes of St. Thomas and St. Dennis, shall, and they are hereby authorized and required, as soon as conveniently may be, after the ratification of this Act, to re-build or put in good and sufficient repair the said bridge, as they shall see convenient or proper; and the said commissioners shall have power, and they are hereby empowered, to agree with any workmen for the work and for materials for the said bridge; and also, to cut down and make use of any timber or earth that lies convenient to be made use of about the said bridge.

Assessment.

II. *And be it further enacted* by the authority aforesaid, That the aforesaid commissioners, or the major part of them, shall have power, and they are hereby empowered, to assess all the male inhabitants and male slaves, within the said parishes, from sixteen to sixty years of age, in order to raise a sufficient sum of money to repair or re-build and finish the said bridge; and they are hereby declared to be invested with the same powers and authorities, for raising, assessing and levying so much money as will re-build or repair and finish the said bridge, as the commissioners of the highways have by virtue of an Act entitled "An Act for making, mending and altering the high-roads," &c., ratified the fifteenth of September, in the year of our Lord one thousand seven hundred and twenty-one.

Parish lines of
St. Thomas
and St. Dennis.

III. And forasmuch as by reason of a mistake in ascertaining the boundary line of the parishes of St. Thomas and St. Dennis, to the north by the eastern branch of Cooper river, to the plantation late of Sir Nathaniel Johnson, exclusive, and thence by an east line from the northernmost part of that plantation, to the bounds of Craven County, the said plantation, late of Sir Nathaniel Johnson, and several other plantations in the neighborhood thereof, are, or pretend to be, extra-parochial; *Be it therefore enacted* by the authority aforesaid, That the said parishes of St. Thomas and St. Dennis, for the future, be, and are hereby declared to be, bounded by the most northerly branch of the said eastern branch of Cooper river, to the bounds of Craven county; any law, usage, custom or survey, to the contrary thereof in any wise notwithstanding.

General issue
may be plead-
ed.

IV. *And be it further enacted* by the authority aforesaid, That in case any action or suit shall be brought, sued or prosecuted against the said commissioners, or any other person or persons whatsoever, for any matter or thing by them done, or to be done, by virtue or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners and other persons to plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs shall discontinue, become non-suit, or a verdict shall pass against them, the court in which such action shall be sued or commenced, shall tax and allow to every such defendant his and their double costs of suit, and for which the said defendants shall have like remedy as by law is given to other defendants.

In the Council Chamber, the 5th day of March, 1738—7.

C. PINCKNEY, *Speaker.*
THOS. BROUGHTON.

Assented to:

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AN ACT FOR MAKING AND KEEPING IN REPAIR THE ROAD WHICH LEADS FROM THE HEAD OF WESTO SAVANNA ROAD, ON THE EAST SIDE OF PON PON RIVER, TO MUSGROVE'S FERRY, AND FROM THENCE TO PARKER'S FERRY ROAD, IN ST. PAUL'S PARISH, AND TO APPOINT COMMISSIONERS FOR THE SAME.

No. 635.

WHEREAS, a road from the head of Westo Savanna road, on the east side of Pon Pon river, to Musgrove's ferry, and from thence to the road leading from Parker's ferry to Charlestown, would be of great use and advantage to the inhabitants residing near the said road, in getting their crops with greater ease and dispatch to a market, as also for persons travelling from the northward to the southward parts of this Province, if the said road was laid out and finished. We therefore pray your most sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by the Honorable William Bull, Esq., President and Commander-in-chief in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That the said road shall be laid out, continued and kept in repair, by the commissioners hereinafter named, in the most convenient manner, from the road aforesaid to Musgrove's ferry, and from thence to Parker's ferry road, and there to join to a road leading from thence to Wiltown.

Road from Westo Savanna road to Parker's ferry road.

II. *And be it further enacted* by the authority aforesaid, That the road so to be laid out and kept in repair, shall be made and maintained by the inhabitants living near and making use of the same, who shall be found to be within the plantation of Moses Graves, deceased, and John Sumners, inclusive, to the plantations of John Simmons, deceased, Robert Winn and Dr. White, exclusive, and from thence on a west line to Pon Pon river; and the said inhabitants, within the aforesaid limits, shall be under the inspection and direction of the commissioners hereinafter named, and shall be subject and liable to the making and keeping in repair the same, in such and the same manner as the inhabitants of any other district are under to their respective commissioners.

Who to work on it.

III. *And be it further enacted* by the authority aforesaid, That the inhabitants who are hereby obliged to make and keep in repair the said road, in consideration of their extraordinary labor in maintaining and keeping the same in repair, shall be exempted from working on all other roads and public paths within this Province. *Provided, always*, that nothing hereinbefore contained shall extend to exempt any person or persons who are now compellable by law to work on and keep in repair the road leading from Parker's ferry to Dandridge's, from working on the said road; any thing hereinbefore contained to the contrary notwithstanding.

Exempt from working on other roads.

IV. *And be it further enacted* by the authority aforesaid, That Robert Quarterman, Benjamin Perry, and John Sumner, be, and they are hereby appointed, commissioners for the said road; and they are hereby declared to be vested with the same power and authority, within their proper district, as any other commissioners of high-roads have within this Province, and subject to the same penalties and forfeitures.

Commissioners

V. *And be it further enacted* by the authority aforesaid, That the said

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Their duty.

commissioners, or the commisssoners of the said road for the time being, shall be, and they are hereby, obliged to make and finish the said road within four years next after the passing of this Act; and in case the said commissioners shall refuse or neglect to make and finish the same by the time aforesaid, they shall forfeit and pay the sum of one hundred pounds, current money; one half to the poor of the parish, and the other half to him or them that will inform and sue for the same; to be recovered by action of debt, bill, plaint or information, in any court of record in this Province.

General issue may be pleaded.

VI. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them done by virtue of or in pursuance of the direction of this Act, that then it shall and may be lawful to and for the commissioners, or any other person or persons so sued or prosecuted, to plead the general issue, and give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

In the Council Chamber, the 11th day of March, 1737.

C. PINCKNEY, *Speaker.*

Assented to:

WM. BULL.

No. 641. AN ACT FOR ESTABLISHING A FERRY AT A POINT ON THE MAIN LAND BELONGING TO MR. HUGH BRYAN, OVER AGAINST COCHRAN'S POINT, ON PORT ROYAL ISLAND; AND FOR VESTING THE SAME IN THE SAID HUGH BRYAN AND HIS HEIRS, FOR THE TERM OF SEVEN YEARS.

Preamble.

WHEREAS, the said Hugh Bryan hath, by his petition to the General Assembly, set forth the great advantage it would be to the inhabitants of this Province to have a ferry established at his point on the main land opposite to Cochran's Point on Port Royal Island; and that he had been at considerable expense in providing a good ferry boat and other necessities for the convenience of travellers; and to the intent that he may be encouraged for so useful an undertaking, we humbly pray your most sacred Majesty that it may be enacted, and

Bryan's Ferry established.

I. *Be it enacted*, by the Honorable William Bull, Esquire, President and Commander-in-chief in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That there shall be, from and immediately after the passing of this Act, a ferry fixed and established at Hugh Bryan's Point on the main land over against Cochran's Point on Port Royal Island, for the public use and benefit of all and every the inhabitants of this Province, and other persons passing and re-passing the said ferry; all persons using the same, paying the several rates and prices hereinafter mentioned, limited and appointed, that is to say:—for a footman passenger, two

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shillings and six pence ; for a single horse, two shillings and six pence ; for a man and horse, five shillings ; for neat cattle, per head, ferried, two shillings and six pence, or swam, twelve pence ; for calves, sheep or hogs, seven pence half penny per head ; for a two wheel chaise or cart, horse and passenger, ten shillings, current money of this Province ; all which rates and prices shall be paid and received from all persons, at all times, (except in times of alarm and persons going to or coming from divine service, or to or from musters,) who shall pass and re-pass the said ferry free.

II. *And be it further enacted* by the authority aforesaid, That the said ferry shall be, and is hereby, vested in the said Hugh Bryan, his heirs, executors, administrators and assigns, for and during the term of seven years, and from thence to the end of the next session of the General Assembly ; he, the said Hugh Bryan, his heirs, executors, administrators and assigns, finding, providing, and keeping at the said ferry, during all the said term, a good and sufficient ferry boat, with two or more servants or negroes, fit and necessary for the transporting all passengers, their servants, horses, cattle, and effects, as aforesaid ; and also, one sufficient canoe ; and that it shall and may be lawful for the said Hugh Bryan, his heirs, executors, administrators and assigns, during the said term, to ask, demand and receive, of and from all and every person and persons, passing and repassing at the said ferry, except as before excepted, the several and respective rates and prices hereinbefore mentioned, limited and appointed ; and in case of failure of payment thereof, to recover the same by warrant, under the hand and seal of any one justice of the peace, according to the method prescribed in the Act for the trial of small and mean causes.

Vested in
Hugh Bryan.

IV. *And be it further enacted* by the authority aforesaid, That the said Hugh Bryan, his heirs, executors, administrators and assigns, or other person appointed by him or them to have the care and management of the said ferry, shall give constant and due attendance at the said ferry, as well by night as by day ; and if any person or persons shall be detained or delayed at the said ferry, through the neglect of the said Hugh Bryan, his heirs, executors, administrators and assigns, or other person appointed by him or them to keep the said ferry, shall forfeit and pay to such person or persons so delayed, the sum of twenty shillings, current money, for the first hour, and forty shillings, like money, for every hour after ; to be recovered by warrant, from any one justice of the peace, on the oath of the party delayed, or any other witness whom he shall produce ; and the said justice of the peace shall issue his summon against the party complained of, and shall proceed in the same way and manner as is directed by the Act for trial of small and mean causes.

Penalty for
neglect.CHAS. PINCKNEY, *Speaker*.*In the Council Chamber, the 11th day of March, 1737.**Assented to :*

WILLIAM BULL.

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No. 642. AN ACT FOR APPOINTING COMMISSIONERS TO LAY OUT A ROAD OR CAUSWAY OVER LYNCH'S ISLAND, SITUATE IN SANTEE RIVER; AND FOR ESTABLISHING THE FERRIES THEREIN MENTIONED.

Preamble.

WHEREAS, several of his Majesty's subjects are put to great delays, difficulties and inconveniences, in travelling to and from the parish of Prince George Winyaw, for want of a road or causway over Lynche's Island, situate in Santee river. We therefore pray his most sacred Majesty that it may be enacted, and

Causway over
Lynch's Island

I. *Be it enacted*, by the Honorable William Bull, Esquire, President and Commander-in-chief in and over this Province, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the commissioners hereinafter named, or the major part of them, shall and may, and they are hereby authorized, empowered and required to, lay out, make and keep in repair, a road or causway over Lynche's Island aforesaid, in such place, and over such part of the said island, as the said commissioners, or the major part of them, shall think most proper for that purpose.

Who to be
assessed.

II. *And be it further enacted* by the authority aforesaid, That the laying out, making, and keeping in repair the said road or causway aforesaid, in manner hereinbefore prescribed, shall be done and performed at the equal charge and expense of all the inhabitants living and residing, and owners of lands and slaves, within the said parish of Prince George Winyaw, and the lower district of the parish of Saint James Santee; which said charges shall be raised by a tax or assessment on the lands and slaves of the aforesaid inhabitants and owners of lands and slaves; and the said commissioners, or the major part of them, are hereby fully authorized and empowered to make and raise such tax and assessment on the lands and slaves of the inhabitants and owners of lands and slaves, within the bounds and limits before mentioned, in the same manner and proportion as the general tax is, or shall be from time to time, assessed by Act of the General Assembly; and shall or may levy the several sums of money so to be imposed and assessed on the several persons and owners of lands and slaves within the bounds last above mentioned, in case of refusal of payment, by warrant of distress, under the hands and seals of the said commissioners for the time being, or the major part of them, and sale of the offender's goods; and in case the defaulter or defaulters's goods cannot be found out, by sale of the defaulter's lands, or otherwise, in such manner as is directed by any Act of Assembly for the levying of the general tax upon non-residents; *provided, nevertheless*, that Colonel John Gendron's lands which he is now seized of, and his servants and slaves, in consideration of his being at a considerable expense in making a public road near seven miles in length, from the plantation late of Robert Johnson, Esquire, late Governor of this Province, deceased, to the upper district of Saint James Santee, shall not be obliged to work upon the said road or causway; any thing to the contrary in this Act notwithstanding; *provided, always*, that the said Colonel John Gendron shall maintain and keep in repair, by himself, his servants and slaves, the said road herein last before mentioned; and that the said road so by him to be maintained and kept in repair, shall be deemed, taken, and used as a public road, to all intents and purposes whatsoever.

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III. *And be it further enacted* by the authority aforesaid, That the said commissioners shall, and they are hereby required to, make, finish and complete the said road or causway, conformable to this Act, or cause the same to be made, finished and completed, within the space of two years from the passing of this Act, under the penalty of one hundred pounds, current money, payable by each of the said commissioners, one moiety thereof to go to the informer, and the other for the repair of the said road; which said penalties shall be recoverable by action or information, in any court of record in this Province; wherein no essoign, imparlance or protection, shall be allowed or admitted; any Act or law to the contrary notwithstanding.

Duty of Commissioners.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, or any three of them, shall have, use and exercise, all the powers and authorities for putting this Act in execution, which are given to any other commissioners of the high roads, and be subject to the same penalties as are inflicted on any commissioners of the high roads by any Act of Assembly of this Province.

V. *And be it further enacted* by the authority aforesaid, That William Whiteside, Esquire, Major George Pawley, Mr. William Buchanan, Mr. Commissioner Jonah Collins, and Mr. Daniel Horry, shall be, and they are hereby nominated and appointed, commissioners for putting this Act in execution.

VI. *And forasmuch* as Isaac Mazyck, Esquire, is now proprietor of the lands lying on the south side of Santee river, through which the said high road is laid out, leading to the ferry hereby established to and from Spencer's landing, to and from Lynche's Island, and Mr. William Buchanan is the proprietor of the lands leading to Peacot's Bluff on the north side of the said river, whose assistance to travellers in rendering an easy and expeditious passage over the several branches of the said river, lying contiguous to them, will likely be encouraged by enabling them to take a moderate and reasonable reward for the same—*It is therefore hereby further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Isaac Mazyck, his executors, administrators and assigns, for and during the term of ten years next ensuing the passing of this Act, and from thence to the end of the then next session of the General Assembly, and he and they are hereby required, to keep one substantial canoe and ferry boat, with two or more able men in each, to manage and navigate the same, and therein to transport all passengers, their servants, horses, cattle, and effects, to and from the landing called Spencer's landing, to and from the landing opposite thereto, on the south side of Lynche's Island: and that it shall and may be lawful to and for the said William Buchanan, his executors, administrators and assigns, for and during the term of seven years, and he and they are hereby required, to keep one substantial canoe and ferry boat, with two able men in each, and therein to transport all passengers, their servants, horses, cattle, and effects, to and from the Bluff commonly called Peacot's Bluff, to and from the landing on the north side of Lynche's Island aforesaid.

Mazyck's and Buchanan's ferries.

VII. *And be it further enacted* by the authority aforesaid, That the said Isaac Mazyck, his executors, administrators and assigns, and the said William Buchanan, his executors, administrators and assigns, for and during their terms aforesaid, shall, severally and respectively, be entitled to have and receive, from all persons using their boats, canoes, and servants, in passing over the several branches of the said river as aforesaid, the several rates and prices hereinafter mentioned, that is to say:—for each foot

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passenger, one shilling and six pence, current money; for each horse, one shilling and six pence; for neat cattle, ferried or swam, per head, for calves, sheep, or hogs, per head, one shilling; for each bag, six pence; and for default of paying the several rates and prices aforementioned, the same shall and may be sued for, levied and recovered, as is provided by the Act for the trial of small and mean causes; except in times of alarm, when the said ferriages are hereby declared to be free; and excepting also, such persons who shall be going to or from divine service or public musters, who shall also be entitled to be sent over the said river, ferry free.

VIII. *And be it further enacted* by the authority aforesaid, That no person or persons whatever, who shall make use of the boat of the said Isaac Mazyck, his executors, administrators or assigns, in passing to and from the said landing place called Spencer's Landing, or of the boat and servants of the said William Buchanan, his executors, administrators or assigns, in passing to or from the said bluff called Peacot's Bluff, at any time or times, for and during the terms aforesaid, shall be liable to pay for the said ferriage, to any other person or persons whatever, other than the said Isaac Mazyck, his executors administrators or assigns, or to the said William Buchanan, his executors, administrators or assigns; *provided, nevertheless*, whereas, a ferry over Santee river, heretofore called Jermain's ferry, near Lynche's Island aforesaid, was vested, by an Act of the General Assembly, passed the twenty-second day of September, in the year of our Lord one thousand seven hundred and thirty three, in Joseph Spencer, his executors, administrators and assigns, for and during the term of seven years, to commence from the passing of the said law, and from thence to the end of the next session of the General Assembly, that it shall and may be lawful for the said Joseph Spencer, his executors, administrators and assigns, to transport any persons, horses, cattle, goods and effects, over the said river of Santee, in such manner, and at such rates and prices, as he might, may or could do, before the passing of this Act; and also, from Spencer's landing aforesaid, otherwise called Stuart's Bluff, to the south side of Lynche's Island, and from the south side of Lynche's Island to Spencer's Landing, in like manner, and at the same rates and prices, and under the same penalties and restrictions, as the aforementioned Isaac Mazyck is empowered and required to do by this Act, for and during the remainder of the term hereinbefore mentioned to be vested in him the said Joseph Spencer; any thing herein contained to the contrary notwithstanding.

IX. *And be it further enacted* by the authority aforesaid, That the said Isaac Mazyck, his executors, administrators or assigns, and other person and persons appointed by him or them to have the care and management of the said ferry on Santee river, from Spencer's Landing to the south side of Lynche's Island, shall give constant and due attendance at the said ferry, as well by night as by day; and if any person or persons shall be detained or delayed at the said ferry through neglect, the said Isaac Mazyck, his executors, administrators or assigns, and other person and persons appointed by him or them to keep the said ferry, shall forfeit and pay to such person and persons so delayed, the sum of twenty shillings for the first hour, and forty shillings for every other hour after; to be recovered by warrant, from any one justice of the peace, on the oath of the party delayed, or any other witness whom he shall produce; and the said justice of the peace shall issue his summons against the party complained of, and shall

Jermain's Ferry.

Duty of Mazyck's ferryman, and penalty for neglect.

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proceed in the same way and manner as is directed by the aforesaid law for the trial of small and mean causes.

X. *And be it further enacted* by the authority aforesaid, That the said William Buchanan, his executors, administrators or assigns, and other person and persons appointed by him or them to have the care and management of the said ferry on Santee river, from Peacot's Bluff to the north side of Lynche's Island, shall give constant and due attendance at the said ferry, as well by night as by day; and if any person or persons shall be detained or delayed at the said ferry through neglect, the said William Buchanan, his executors, administrators and assigns, or other person and persons appointed by him or them to keep the said ferry, shall forfeit and pay to such person or persons so delayed, the sum of twenty shillings, for the first hour, and forty shillings, for every other hour after; to be recovered in manner as aforesaid. At Buchanan's.

XI. *And whereas*, doubts and disputes may hereafter arise concerning the boundaries of the said two parishes of Prince George and Saint James Santee. *It is further declared and enacted* by the authority aforesaid, That Lynche's Island aforesaid, and all the islands situate in Santee river, from the fork opposite to Elias Horry's plantation, downwards to the sea, are within and shall be taken and reputed as parts of the parish of Prince George Winyaw, to all intents and purposes whatsoever. *Provided always*, that nothing in this Act hereinbefore contained shall be extended to hinder Colonel Thomas Lynche, his heirs, executors, administrators or assigns, or any other person or persons who now are, or hereafter may be, proprietors of the said island, or any part thereof, from transporting or carrying him or themselves, or his or their servants, slaves, goods or effects, in his and their own boats, from the said island to their other lands or plantations on either side of the said river; any thing hereinbefore contained to the contrary in any wise notwithstanding. Boundary between Prince George and St. James Santee.

XII. *And whereas*, Lynche's Island aforesaid is liable to be overflowed upon the great freshes which frequently come down Santee river, so that any road or causeway which can possibly be raised in pursuance of this law, cannot, at such times, be got over, without manifest danger to the passengers, and considerable damage to the said road and causey. *Be it further enacted* by the authority aforesaid, That in case of such floods or inundations, the proprietors of the ferries hereinbefore established, respectively, shall, and they are hereby ordered and required to, carry all passengers, horses, cattle, goods and effects, entirely over the said river of Santee, to wit:—the proprietor or proprietors of the ferry hereby established at Spencer's Landing, from the said bluff to Peacot's Bluff; and the proprietor or proprietors of the ferry established at Peacot's Bluff, from the said bluff to Spencer's Landing, at the following rates and prices, to wit:—for a footman or passenger on foot, six shillings, current money; for a single horse, six shillings; for a man and horse, ten shillings; for neat cattle, per head, ferried or swam, five shillings; for calves, sheep or hogs, per head, five shillings; for bags, two shillings each; and shall, upon such occasions, give due and constant attendance, and shall not detain or delay any person or persons at their respective ferries, through neglect or refusal, under the like penalties, forfeitable and payable to the parties so delayed and detained, as are hereinbefore provided in case of neglect or delay at the ferries hereby established from Peacot's and Spencer's Landing aforesaid, to Lynche's Island; and shall be recovered in the manner hereinbefore directed for that purpose; and that no passengers, horses, carriages or cattle: Duty of ferry, men in cases of freshets.

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shall be, at such times, carried over and landed from either of the said ferries, to and upon Lynche's Island aforesaid, under the penalty of five pounds, current money, for every passenger, horse, carriage, ox or cow, so carried over or landed; forfeitable and payable by the proprietors of the said ferries, respectively, to the commissioners of the said road hereinbefore mentioned; to be applied towards maintaining and keeping the said causway in repair; and to be recovered and levied in like manner as is hereinbefore directed for recovering and levying of the penalties and forfeitures hereinbefore imposed. And for the more easy passage and navigation of boats and canoes over the said island, the commissioners hereinbefore named, or the major part of them, shall, and they are hereby required and empowered to, cut and sink a channel on one side of the road or causway to be made over Lynche's Island, at the equal charge and expense of the persons made liable by this Act to contribute towards the raising and finishing the said causway; and to be recovered and levied in the like manner.

General issue
may be plead-
ed.

XIII. *And be it further enacted* by the authority aforesaid, That if the said commissioners, or any of them, or any other person or persons, acting by or under their authority, shall be sued or prosecuted, for any matter, cause or thing, by them done or to be done, by virtue or in pursuance of the direction of this Act, it shall and may be lawful to and for every such commissioner or commissioners, and other person and persons so sued or prosecuted, to plead the general issue and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs in such action or suit, shall discontinue, become non-suit, or a verdict shall pass against him or them, there shall be taxed and allowed to every such defendant and defendants, his and their double costs of suit, for which every such defendant shall have like remedy as in other cases where by law costs are given to the defendants.

C. PINCKNEY, *Speaker.**In the Council Chamber, the 11th day of March, 1737.**Assented to:*

WILLIAM BULL.

No. 654. AN ACT FOR VESTING THE FERRY ALREADY ESTABLISHED ON THE SOUTH SIDE OF SANTEE RIVER, ON THE LAND OF THE HONORABLE JAMES KINLOCH, ESQUIRE, IN THE SAID JAMES KINLOCH, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM OF SEVEN YEARS; AND FOR ESTABLISHING ANOTHER FERRY ON THE NORTH SIDE OF THE SAME RIVER, OPPOSITE TO THE ABOVE FERRY, AND FOR VESTING THE SAME IN ABRAHAM MICHEAU, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM OF SEVEN YEARS.

WHEREAS, there hath been a ferry established on the south side of Santee river, on the land of the Honorable James Kinloch, Esquire, which,

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by his consent and approbation, was vested in Mr. Jonathan Skeine for a term of years, which will expire at the end of the next session of the General Assembly, next after the twentieth day of August last; and *whereas*, the said ferry hath, by experience, been found very convenient for all travellers in that part of the country; and as the high road leading to the same goes through great part of the lands of the said James Kinloch, the said ferry ought to be vested in him. We therefore pray your most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by the Honorable William Bull, Esquire, President and Commander-in-chief in and over his Majesty's Province of South Carolina, Skeine's ferry vested in Kinloch. by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That immediately from and after the expiration of the said session of the General Assembly, the said ferry already established on the south side of Santee river, on the land of the said James Kinloch, Esquire, and heretofore vested in Jonathan Skeine, shall be, and is hereby, vested in the said James Kinloch, his executors, administrators and assigns, for and during the term of seven years, and from thence to the end of the next session of the General Assembly, and no longer; he or they, during all the said term, finding, providing and keeping, a good and sufficient ferry boat and canoe, with two or more servants or negroes, fit and necessary for the transporting all passengers, their servants, horses, cattle and effects.

II. *And be it further enacted* by the authority aforesaid, That all and every person and persons whosoever, using the said ferry, shall pay the several rates and prices hereinafter mentioned, that is to say:—for a man and horse, if landed in the swamp, two shillings and six pence; if to the trumpet landing, five shillings; and if up the lake, ten shillings; and half as much of the above rates, for a foot passenger; for neat cattle, per head, if swam, one shilling, current money of this Province; all which rates and prices shall be paid and received from all persons and at all times, except in times of alarm, and persons going to or coming from divine service or musters, who shall pass and re-pass the said ferry free.

Toll.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said James Kinloch, Esquire, his executors, administrators and assigns, during the said term, to ask, demand and receive, of and from all and every person and persons passing and re-passing at the said ferry, except as before excepted, the several and respective rates and prices hereinbefore mentioned, limited and appointed; and in case of failure of payment thereof, to recover the same by warrant, under the hand and seal of any one justice of the peace, according to the method prescribed by the Act for the trial of small and mean causes.

IV. *And be it further enacted* by the authority aforesaid, That the said James Kinloch, his executors, administrators and assigns, or other persons appointed by him or them to have the care and management of the said ferry, shall give constant and due attendance, as well by night as by day; and if any person or persons shall be detained or delayed at the said ferry through neglect, the said James Kinloch, his executors, administrators or assigns, or other person appointed by him or them, shall forfeit and pay to such person or persons so delayed, the sum of twenty shillings, current money, for the first hour, and the sum of forty shillings, like money, for every hour after; to be recovered by warrant, from any one justice of the peace,

Penalty for neglect.

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on the oath of the party delayed, or any other witness whom he shall produce; and the said justice of the peace shall issue his summons against the party complained of, and shall proceed in the same way and manner as is directed by the Act for the trial of small and mean causes.

V. And *whereas*, Abraham Micheau hath been at great expense and trouble, in making a road leading to the landing on the north side of Santee river, opposite to the above ferry; and to the intent that he may be encouraged for the same, *Be it enacted* by the authority aforesaid, That there be another ferry, from and immediately after the first day of September next ensuing the passing of this Act, fixed and established on the north side of Santee river, opposite to the above ferry; which shall be, and is hereby, vested in the said Abraham Micheau, his executors, administrators and assigns, for and during the term of seven years, and from thence to the end of the next session of the General Assembly, and no longer; he, the said Abraham Micheau, paying yearly and every year, to the said James Kinloch, the sum of twenty shillings, current money.

VI. *And be it further enacted* by the authority aforesaid, That the said Abraham Micheau, his executors, administrators and assigns, or other person appointed by him or them, shall have, receive and take, from all persons passing and re-passing the said ferry, the same rates and prices, in every respect, as are above set forth; and shall have the same power of recovery, and be liable to the same penalties and forfeitures; to be recovered in the same manner as are above mentioned for the said James Kinloch, Esquire; *provided, nevertheless*, that the right of the said ferry hereby vested in the said Abraham Micheau, as aforesaid, shall no ways bar any right which his Majesty now has, or may hereafter have, to the land whereon the said ferry is established, but that the right of the said ferry shall follow and be in the possessors of the said land, under the regulations aforesaid.

C. PINCKNEY, *Speaker.**In the Council Chamber, the 3d day of April, 1739.**Assented to:*

WILLIAM BULL.

No. 655. AN ACT FOR ESTABLISHING A FERRY OVER SAVANNAH RIVER, AT THE GARRISON OF FORT MOORE, IN NEW WINDSOR; AND FOR VESTING THE SAME IN CAPT. DANIEL PEPPER, FOR THE TERM OF THREE YEARS.

WHEREAS, the inhabitants of the township of New Windsor, by their humble petition, have represented to the General Assembly that the establishing a ferry over the Savannah river, at Fort Moore, will be of great use and advantage to the said inhabitants, and all other persons travelling through those parts. We therefore most humbly pray his sacred Majesty that it may be enacted,

I, *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant-Governor and Commander-in-chief of the Province of South Carolina, by

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and with the advice and consent of his Majesty's Honorable Council, and the Assembly of the said Province, and by the authority of the same, That a ferry for passengers, horses and cattle, shall from henceforth be settled and established from the usual landing-place, near the garrison at Fort Moore, in New Windsor, to the place commonly called Sand Bar, in Georgia, lying opposite to the said garrison; and that the right, title, interest, profit and advantage of the said ferry, shall be, and the same is hereby, vested and settled in Capt. Daniel Pepper; and the said Daniel Pepper is hereby authorized and empowered to take and receive to his own use, and to have and enjoy all and singular the profits, perquisites and advantages whatsoever, to the said ferry belonging, or in any wise appertaining, or by any means arising or accruing, or which shall arise or accrue by or from the same.

Ferry at Fort
Moore vested
in D. Pepper.

II. *And be it further enacted* by the authority aforesaid, That the said Daniel Pepper shall, and he is hereby required, at his own proper cost and charge, constantly to provide and keep in good repair a sufficient ferry boat or ferry boats for carrying and transporting over the said river passengers, horses, cattle and goods; and also, two able men, (one of whom shall always be a white man,) who shall constantly attend the said ferry at all times of the day and night throughout the year, to transport and carry over all passengers, horses, cattle and goods, when and so often as they shall be required.

Conditions.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said Daniel Pepper to demand, have, take and receive, to his own proper use, by way of toll, the several rates following, that is to say: for a foot passenger, one shilling and six pence; for every horse, one shilling; for neat cattle, by the head, for each, one shilling; for transporting goods, every hundred weight, one shilling; for hogs or sheep, by the head, each six pence; for which several rates and sums the said Daniel Pepper, after demand and refusal of the same, may detain in his custody the goods of any person so refusing to pay the same, until satisfaction shall be made for the said rates and sums becoming due, as aforesaid, and on such detainer to apply to any of his Majesty's justices of the peace, who are hereby authorized and empowered, on such application, to issue a warrant of distress against the goods and chattels of such person, and to cause the said rates and sums to be levied by sale of the said goods, returning the overplus, if any, to the owner.

Toll.

IV. *And be it further enacted* by the authority aforesaid, That in case any passenger or other person who has occasion to pass over the said river at the places hereinbefore mentioned, shall meet with unreasonable delays, or be retarded for want of the said ferry boat or ferry boats, or the persons who are hereby appointed and required to attend them, the said Daniel Pepper shall forfeit and pay for every such delay, to the party grieved, the sum of forty shillings, for every hour any such person shall be so delayed; which sum or sums shall and may be recovered, on oath made of such delay, by a warrant from any one justice of the peace, who, on complaint to him made, shall hear and determine the same according to the directions of the Act for the trial of small and mean causes.

Penalty for
neglect.

V. *And be it further enacted* by the authority aforesaid, That in case the said Daniel Pepper shall happen to die or remove from Savanna Town, before the expiration of the said three years, then the Governor or Lieutenant-Governor, or President or Commander-in-chief of this Province for the time being, shall, and he is hereby empowered to, nominate

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and appoint a fit and proper person to have the care and management of the said ferry for the remainder of the said term; and the person so to be nominated and appointed, shall have all the advantages, perquisites and profits, and shall be liable to the same penalties and forfeitures, as the said Daniel Pepper is.

C. PINCKNEY, *Speaker.**In the Council Chamber, the 11th day of April, 1739.**Assented to:*

WILLIAM BULL.

No. 662. AN ACT FOR ESTABLISHING A FERRY OVER THE RIVER SAVANNA, NEAR THE PALLACHUCKELLAS, ON THE LAND OF THE HONORABLE GENERAL JAMES OGLETHORPE, AND FOR VESTING THE SAME IN THE SAID GENERAL JAMES OGLETHORPE, HIS HEIRS AND ASSIGNS, FOR THE SPACE OF FOURTEEN YEARS.

Preamble.

WHEREAS, a memorial hath lately been exhibited to the General Assembly of this Province, by Andrew Rutledge, Esquire, on the behalf of the Honorable General James Oglethorpe, setting forth that the said General James Oglethorpe is seized in fee of a certain Baronny of twelve thousand acres of land in this Province, lying adjacent to the River Savanna; and that there is a convenient landing place from the said river on the said baronny, near the Pallachuckellas, where the said General James Oglethorpe is desirous to have a ferry established, and vested in him, his heirs and assigns, for a certain term of years, for the better conveniency of advices and intelligence between this Province and the Colony of Georgia, and for transporting of men, horses, goods and cattle, over the said river Savanna. For the encouragement, therefore, of so useful an undertaking, and that it may be the better effected, we pray his most sacred Majesty that it may be enacted,

Ferry established over Savanna, and vested in Jas. Oglethorpe.

I. *And be it accordingly enacted*, by the Honorable William Bull, Esquire, his Majesty's Lieutenant-Governor and Commander-in-chief, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That at the expiration of six months from and after the passing of this Act, there shall be a ferry fixed and established near the Pallachuckellas, on the baronny of land belonging to the Honorable General James Oglethorpe, for the public use and convenience of all persons passing and re-passing the said ferry over the said river Savanna, between this Province and the Colony of Georgia; and that the said ferry shall be, and the same is hereby, vested in the said General James Oglethorpe, his heirs and assigns, for and during the term of fourteen years, to commence immediately from and after the expiration of the said six months from and after the passing of this Act, and to the end of the then next session of the General Assembly.

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Conditions.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the person or persons appointed to keep the said ferry, by the said General James Oglethorpe, his heirs or assigns, upon his or their providing and keeping at the said ferry one good and substantial ferry boat, with two or more white men, fit and sufficient for the transporting of passengers, horses, goods and cattle, to ask, demand, sue for, levy and receive, of and from all and every person and persons passing at the said ferry, the several rates, tolls and prices, hereinafter mentioned, limited and appointed, to be paid in proclamation money, or the value in the currency of this Province, viz :—for a foot passenger, six pence ; for a horse and man, one shilling ; for neat cattle, per head, ferried or swam, three pence ; for calves, sheep or hogs, per head, one penny ; for each bale of goods or full barrel, three pence ; for a two wheeled chair, chaise or cart, two shillings ; for each keg, one penny ; all which rates, tolls and prices, shall be paid by and received from all persons at all times using the said ferry, except in times of alarm, when the ferriage shall be free at the said ferry to all persons under arms, together with their horses and baggage, and to any person or persons with their horses and equipage, sent at any time whatever, upon expresses of the Government of this Province, or of Georgia.

III. *And be it further enacted* by the authority aforesaid, That upon any person's refusing or failing to pay the several rates, tolls, and prices of ferriage aforementioned, upon passing or repassing at the said ferry, that then, it shall and may be lawful to and for the person keeping the said ferry, by virtue of the appointment or direction of the said General James Oglethorpe, his heirs or assigns, for and during the term aforesaid, so recover the said rates of ferriage aforesaid, by warrant, under the hand and seal of any one justice of the peace of this Province, according to the method prescribed by the Act for the trial of small and mean causes.

IV. *And be it further enacted* by the authority aforesaid, That the person or persons whom the said General James Oglethorpe, his heirs or assigns, shall appoint to keep the said ferry, shall, upon his or their undertaking the same, give constant and due attendance at the said ferry, as well by night as by day ; and in case any person coming to the said ferry, at any time or times during the term aforesaid, in order to pass from thence over the said river Savanna, shall be unreasonably there detained or delayed, through the neglect of the keeper of the said ferry, that in every such case, the person keeping the said ferry, as tenant or servant to the said General James Oglethorpe, his heirs or assigns, shall forfeit and pay to every person so delayed and detained, the sum of five shillings, proclamation money, or the value thereof in the current money of this Province, for the first hour, and the sum of two shillings and six pence, proclamation money, or the value thereof as aforesaid, for every hour after ; to be recovered as is directed by the Act for the trial of small and mean causes ; *provided*, the said neglect be complained of, and the said forfeiture sued for, within the space of thirty days after the said delay shall happen, and not afterwards.

Penalty for neglect.

C. PINCKNEY, *Speaker.**In the Council Chamber, the 18th day of December, 1739.**Assented to :*

WILLIAM BULL.

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No. 678. AN ACT FOR VESTING THE FERRY OVER ASHLEY RIVER, IN ELIZABETH BELLINGER, WIDOW, HER EXECUTORS, ADMINISTRATORS AND ASSIGNS; FOR A TERM OF YEARS THEREIN MENTIONED.

Preamble. WHEREAS, Edmund Bellinger, Esquire, lately deceased, late husband and testator of Elizabeth Bellinger, for several years past was at great expense and charge in maintaining and keeping the causway leading to Ashley river ferry, at Butlerstown, alias Shemtown, in repair; and *whereas*, the land of the said Elizabeth Bellinger, lying on the north side of the said river, through which the road to the said causway and ferry leads, lies most commodious and convenient for supplying timber and other materials for maintaining and keeping in repair the landings and causways of the said ferry. And the said Elizabeth Bellinger having, by her petition to the General Assembly, humbly prayed that the said ferry might be vested in her for a certain number of years, upon condition of her maintaining the said ferry and keeping the said causway in repair—for effecting whereof, we humbly pray his most sacred Majesty that it may be enacted, and

Ferry vested in Mrs. E. Bellinger. I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the ferry over Ashley river, commonly called Ashby ferry, be, and from and immediately after the expiration of the present session of the General Assembly, shall be, vested in the said Elizabeth Bellinger, her executors, administrators and assigns, from the day of the determination of the present session of the General Assembly, for and during and unto the full end and term of seven years from thence next ensuing, and fully to be complete and ended, and from thence to the end of the then next session of the General Assembly; and that it shall and may be lawful to and for the said Elizabeth Bellinger, her executors, administrators and assigns, during all that time, to demand, have, receive and take, to her and their own proper use, benefit and behoof, of and from all and all manner of person and persons passing and re-passing the said ferry, the several rates and sums following, that is to say:—for every single person ferried over at the said ferry, seven pence half penny; for a man and horse, fifteen pence; for a chaise and horse, or cart and horse, five shillings; for a coach or charriot and pair, seven shillings and six pence; for a coach or charriot and four, ten shillings; for every head of neat cattle, ferried or swam, fifteen pence; for every head of hogs, sheep or calves, ferried or swam, six pence, in the current and lawful money of this Province.

Toll.

Conditions. II. *And be it further enacted* by the authority aforesaid, That the said Elizabeth Bellinger, her executors, administrators or assigns, shall be, and they are hereby ordered and required, to keep the causway twelve feet wide, and the stands upon the same leading through the marsh to the said ferry, in good, sufficient and constant repair, at her and their own costs and charge; and shall also, during all the time aforesaid, find, provide and keep, a good, large, sound, tight and sufficient ferry boat or boats, with a stage or entering board for the conveniency of horses passing in and out, for transporting men, horses, cattle, coaches and charriots over the said ferry; and shall also, find and provide two able and sufficient persons to row in the boat with one white man, who shall constantly attend the said

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ferry, as well by night as by day, to ferry over all passengers, their servants, slaves, horses and carriages, when and as often as there shall be occasion.

III. *And be it further enacted* by the authority aforesaid, That if any person or persons coming to the said ferry to cross over the same, shall meet with unreasonable delays, or be retarded in their passage over the said ferry, she, the said Elizabeth Bellinger, her executors, administrators and assigns, shall forfeit and pay for every such offence, to the person and persons so delayed, for the first hour, to such person or persons as shall be delayed as aforesaid, the sum of forty shillings; and for every hour after, the sum of twenty shillings, current money; to be recovered before any one of his Majesty's justices of the peace for Berkley county, in the same way and manner as is directed for recovery of debts by the Act for the trial of small and mean causes; *provided*, that such person and persons so delayed, shall make his, her or their complaints, and prosecute the same to effect, within ten days after such delay shall happen, and at no time after; and for the conveniency and shelter of persons coming down the said causway to the said ferry, from the inclemency of the weather, the said Elizabeth Bellinger, her executors, administrators and assigns, shall be obliged to build and keep in repair, during all the said term, a shed, sufficient to shelter travellers from rain and the sun, twenty feet long and ten feet wide, at the lower stand on the river side.

Penalty for neglect.

IV. *And be it further enacted* by the authority aforesaid, That the Governor of this Province for the time being, all ministers of the gospel, and all persons going to or from places of divine worship, and all persons going to or from muster of the militia, and all persons in times of alarms, and all expresses or messengers sent in the service of the Government, be, and they are hereby, exempted from paying any ferriage at the said ferry for passing and repassing the same, by themselves, their servants and horses; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

Who may pass the ferry free.

V. *And be it further enacted* by the authority aforesaid, That the said Elizabeth Bellinger, her executors, administrators and assigns, shall be, and they are hereby, obliged to put the said causway and the stands thereon, sufficient for two coaches to pass by one another, that is to say:—one stand in the middle of the said causway, and one other at the lower end thereof, into good and sufficient repair; and also, to provide the said ferry boat or boats in good and sufficient order, within six months next after the same ferry shall come into the hands and possession of the said Elizabeth Bellinger, by virtue of this Act, under the penalty of forfeiting the sum of two hundred pounds, current money; to be recovered by action of debt, bill, plaint or information, in any court of record in this Province; wherein no privilege, protection or wager of law shall be admitted or allowed; which said forfeiture shall be applied, the one half to his Majesty, for the use of the parish of St. Andrew's, and the other half to him or them that will inform or sue for the same; *provided, always*, that such suit shall be commenced within six months after such forfeiture incurred, and at no time after.

Ferry to be ready for use in six months.

WM. BULL, Jr. *Speaker.**In the Council Chamber, the 26th day of March, 1741.**Assented to:*

WM. BULL.

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Acts relating to Roads, Bridges and Ferries.

No 681. AN ACT FOR BUILDING A BRIDGE OVER COMBEE RIVER, FROM THE CAUSWAY TO THE TOWN OF RADNOR; AND DECLARING THE FISH POND BRIDGE, IN THE PARISH OF ST. BARTHOLOMEW, TO BE A PUBLIC BRIDGE; AND FOR REPAIRING OR RE-BUILDING A BRIDGE NOW STANDING IN THE UPPER PART OF THE PARISHES OF SAINT THOMAS AND ST. DENNIS, COMMONLY CALLED ASHBY'S BRIDGE; AND FOR OTHER PURPOSES HEREIN MENTIONED.

FORASMUCH as the building a bridge over Combee river, from the causway to the town of Radnor, may tend much to the security of the southern parts of this Province, as well as to the convenience of travellers passing that way, we humbly pray his most sacred Majesty that it may be enacted, and

Bridge over
Combee at
Radnor.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief of this Province, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the commissioners hereinafter named, shall be, and they are hereby, authorized and required, as soon as conveniently may be after the passing of this Act, to build or cause to be built and erected, a good and substantial bridge over Combee river aforesaid, from the causway to the town of Radnor aforesaid.

Assessment.

II. And for and towards the defraying the charge and expense of building and erecting of the said bridge over Combee river aforesaid, *Be it further enacted* by the authority aforesaid, That the commissioners for building the said bridge over Combee river, hereinafter named, or the major part of them, shall have power, and they are hereby empowered, to tax and assess all the male inhabitants and male slaves within the Parish of Saint Helena, from sixteen to sixty years of age, in order to raise one moiety or half part of a sufficient sum of money to finish and complete the said bridge; and the other moiety, on all the male inhabitants and male slaves within the parish of Saint Bartholomews, from sixteen to sixty years of age; and that the said commissioners for building the said bridge over Combee river, hereinafter named, shall have, and they are by this Act declared to have and be invested with, the same powers and authorities, for taxing, assessing, raising and levying, so much money as will complete the building of the said bridge, as the several commissioners of high roads or public paths have, by virtue of an Act entitled "An Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causways, and cleansing of water passages, in the Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof," passed the fifteenth day of September, in the year of our Lord one thousand seven hundred and twenty-one, or by virtue of any other Act or Acts of the General Assembly of this Province.

Fish Pond
Bridge.

III. And *whereas*, a bridge in the said parish of Saint Bartholomew, commonly called Fish Pond Bridge, has been built at the expense of a small part of the inhabitants of the said parish, who, in consideration thereof, have been exempted from working on or being assessed for any other bridge in the said parish. *Be it therefore enacted* by the authority aforesaid, That the said bridge called the Fish Pond Bridge, shall from henceforth be, and is hereby declared to be, a public bridge to all intents and purposes

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whatsoever ; and all and every the inhabitants of the said parish, shall be obliged to contribute towards the re-building and repairing the said bridge ; and to the re-building and repairing all and every other the bridges in the said parish ; any law, statute, usage or custom to the contrary in any wise notwithstanding.

IV. And *forasmuch*, as a bridge upwards of sixty feet in length, now standing in the upper part of the parishes of Saint Thomas and Saint Dennis, commonly called Ashby's Bridge, over which persons travelling the King's high road must pass, is now become ruinous and decayed, and the repairing or re-building the bridge last mentioned, in cases of alarms or insurrections, may be of great use and service, and tend very much to the security of the northern parts of this Province—*Be it therefore enacted* by the authority aforesaid, That the commissioners hereinafter named for re-building the bridge commonly called Ashby's Bridge, shall, and they are hereby required and authorized, as soon as conveniently may be after the passing of this Act, and so, from time to time, to re-build or put in good and sufficient repair, the said bridge commonly called Ashby's Bridge, as they shall see most convenient and proper.

V. *And be it further enacted* by the authority aforesaid, That the said commissioners for re-building Ashby's Bridge, or the major part of them, shall have power, and they are hereby empowered, to tax and assess all the male inhabitants and male slaves within the same parishes of Saint Thomas and Saint Dennis, from sixteen to sixty years of age, in order to raise a sufficient sum of money to repair or re-build the said bridge ; and they are hereby declared to be invested with the same powers and authorities, for taxing, assessing, raising and levying, so much money as will, from time to time, re-build or repair and finish the said bridge, as the several commissioners of high roads have by virtue of the Act last above mentioned, or by virtue of any other Act or Acts of the General Assembly of this Province.

VI. *And be it further enacted* by the authority aforesaid, That the said bridge directed by this Act to be built over Combee river, when the same shall be finished, and the said bridge called Ashby's Bridge, when the same shall be completely repaired or re-built, shall be, and are hereby declared to be, public bridges ; and shall from thenceforward, respectively, be repaired and kept in repair, as other public bridges of this Province are or by law ought to be repaired and kept in repair.

VII. *And be it further enacted* by the authority aforesaid, That Stephen Bull, Esquire, Peter Girardeau, Thomas Stocks, David Godin, John Greene and John Mulltyne, be, and they are hereby declared to be, commissioners for putting in execution all and every the matters and things in this Act directed to be done, in regard to building the bridge over Combee river, from the causway to the town of Radnor aforesaid ; and that Mr. Thos. Wright, Captain Thomas Ashby, Mr. Peter Simmons, Mr. James Aiken and Mr. John Dutarque, be, and they are hereby declared to be, commissioners for putting in execution all and every the matters and things in this Act directed to be done in regard to re-building the bridge in the parish of Saint Thomas and Saint Dennis, commonly called Ashby's Bridge.

VIII. *And whereas*, a road from the high road leading from Ashepoo bridge to Combee ferry, into the high road leading from the Fish Pond Bridge to Saltcatcher river, is much wanted, and would be of great service to the inhabitants of this Province in travelling to the southward frontiers. *Be it therefore enacted* by the authority aforesaid, That Joseph Hunt, John

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Road to be
made from Ed-
mundsberry
into the Salt-
catcher road.

Hunt and James Atkins, commissioners of the high road leading from the Fish Pond Bridge to Saltcatcher river ; and Henry Hyrne, Peter Girardeau and Edmund Bellinger, commissioners of the high road leading from Ashepoo bridge to Combee ferry, and their successors for the time being, be, and they are hereby, appointed commissioners for laying out and keeping in repair, a road from the town or village of Edmundsberry, near Ashepoo bridge, into the said Saltcatcher road, somewhere between Godfrey's Savanna and the Fish Pond bridge, as the said commissioners, or a majority of them, shall think most convenient ; and that all the male inhabitants from the age of sixteen to sixty years, within the districts of the said commissioners, those excepted living on the south-east of the high road leading from Ashepoo bridge to Combee ferry, whom the said two sets of commissioners, jointly, or a majority of them, shall judge to be most convenient to the said road, shall be obliged to work on the same, and shall be, and they are hereby, exempted from working on any other high road within the same year in which they shall be obliged to work on the said road hereby directed to be made ; any law, usage or custom to the contrary notwithstanding ; and the said commissioners hereby appointed for the said road, shall have the same powers and authorities, and be entitled unto the same privileges, for carrying this part of this Act into execution, that any other commissioners of the high roads have by virtue of any Act or Acts of the General Assembly of this Province.

General issue
may be plead-
ed.

IX. *And be it further enacted* by the authority aforesaid, That in case any action or suit shall be brought, sued or prosecuted, against the said several commissioners, or any or either of them, or any other person or persons whatsoever, for any matter or thing, by them or either of them, done or to be done, by virtue or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners and other persons, to plead the general issue and give this Act and the special matter in evidence ; and in case the plaintiff or plaintiffs shall discontinue, become nonsuit, or a verdict shall pass against them, the court in which such action shall be sued or commenced, shall tax and allow to every such defendant and defendants his and their double costs of suit, and for which the said defendants shall have like remedy as by law is given to other defendants.

WM. BULL, Jr. *Speaker.**In the Council Chamber, the 8th day of March, 1741.**Assented to :*

WM. BULL.

Acts relating to Roads, Bridges and Ferries.

A.D. 1741.

AN ACT FOR DISCHARGING THE COMMISSIONERS APPOINTED BY AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE, TO LAY OUT A ROAD OR CAUSEY OVER LYNCH'S ISLAND, FROM ANY FURTHER DUTY; AND FOR THE BETTER AND MORE EASY REPAIRING OF AND KEEPING THE SAME IN REPAIR FOR THE FUTURE.

Preamble.

WHEREAS, in and by an Act of the General Assembly of this Province, entitled "An Act for appointing commissioners to lay out a road or causey over Lynche's Island, situate in Santee river, and for establishing the ferries therein mentioned," passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven, it was, among other things, enacted that the commissioners thereafter named, or the major part of them, should and might, and they were thereby authorized, impowered and required, to lay out, make and keep in repair, a road or causey over Lynche's island, aforesaid, in such place and over such part of the said island, as the said commissioners, or the major part of them, should think most proper for that purpose; and William Whiteside, Esq., George Pawley, Mr. William Buchanan, Mr. Jonah Collins, and Mr. Daniel Horry, were thereby nominated and appointed commissioners for putting the said Act in execution. And *whereas*, the said commissioners, by their humble petition to the General Assembly, have set forth and alledged that they, in obedience to the said Act, had laid out, made and finished the said road or causey, agreeable to the tenor of the said Act, at the expence of fifteen hundred pounds, currency, by agreement made with the late Mr. Isaac Legrand, undertaker thereof; and that since the same had been finished, by the great freshes that had of late frequently happened in Santee river, the causey had received some damage, which might be repaired at a small expence, and that when the same is again put in repair, the charge of keeping it so would be very small; and humbly prayed to be discharged of their trust. And *whereas*, in and by the said Act, it was likewise enacted that the laying out, making and keeping in repair the said road or causey, should be done and performed at the equal charge and expence of all the inhabitants living and residing, and owners of lands and slaves, within the parish of Prince George Winyaw, and the lower district of the parish of St. James Santee: we therefore most humbly pray his most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the Honorable William Bull, Esq., Lieutenant-Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That immediately from and after the passing of this Act, the said William Whiteside, Maj. George Pawley, Mr. William Buchanan, Mr. Jonah Collins, and Mr. Daniel Horry, the commissioners nominated and appointed in and by the said Act for putting the same in execution, shall be absolutely freed and discharged of and from all and all manner of duties and services imposed upon them by the said Act, and of and from all penalties to which they were made subject by the same; the said Act, or any other Act, to the contrary notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the commissioners of the high-roads, private-paths, bridges, causeys, creeks, passages and water-courses, laid out and to be laid out, made and to be made, mended, cleared and altered, in the parish of Prince George Winyaw, and the lower district of

Former commissioners discharged.

Others appointed.

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Acts relating to Roads, Bridges and Ferries.

the parish of St. James Santee, for the time being, shall be commissioners for causing the said road or causeway to be repaired and kept in repair.

Said causeway,
how to be kept
in repair.

III. *And be it further enacted* by the authority aforesaid, That the said road or causeway, from and after the passing of this Act, shall be mended, repaired, and kept in repair, by the inhabitants of the parish of Prince George Winyaw, and the lower district of St. James Santee, aforesaid, proportionable (as to the charge thereof, or work to be done,) to the number of their inhabitants and male slaves, from sixteen to sixty years of age, in and within the said parish and district, respectively; the said Act first above recited, or any thing therein, or in any other Act of the General Assembly of this Province, contained to the contrary notwithstanding.

IV. And that the said parish and district may bear and answer their quota or due proportion thereof, according to the number of such inhabitants and slaves in the said parish and in the district aforesaid, *Be it further enacted* by the authority aforesaid, That the commissioners of the high-roads for the parish and district aforesaid, respectively, shall have power, and they are hereby empowered, as need or occasion shall require, to cause all such persons as are or shall by this Act be made liable to work upon the said road or causeway, or to contribute to the charge of repairing and keeping in repair, to be summoned or assessed, as to them, or the major part of them, shall seem most meet and convenient, and to cause the defaulters to be fined, and the sums assessed to be collected, in such manner as is usual in such cases.

Powers of
commission-
ers.

V. *And be it further enacted* by the authority aforesaid, That the said commissioners of the high-roads, now and for the time being; for the parish and district aforesaid, respectively, shall have, use and exercise, all the powers and authorities, for putting this Act, and such and so much of the said first above recited Act as is not altered by this present Act, in execution, which are given to them as commissioners of the high-roads within the said parish and district, respectively, or to any other commissioners of the high-roads, and be subject to the same penalties as are inflicted on any commissioners of high-roads, by any Act of Assembly of this Province.

Proviso as to
John Gendron.

VI. *Provided, always, and be it further enacted* by the authority aforesaid, That, *whereas*, Col. John Gendron hath been at a very considerable expence in making a public road near seven miles in length, from the plantation of Robert Johnson, Esq., late Governor of this Province, deceased, to the upper district of St. James Santee; and since the making thereof hitherto, hath maintained and kept that road in repair: he, the said Col. John Gendron, his heirs and assigns, and his and their overseers and slaves, living, residing and working, or hereafter to live, reside or work, within the limits of the district aforesaid, shall not be obliged to work upon the said road or causeway, or any other road or causeway within the lower district of St. James Santee aforesaid, or be liable to be taxed, rated or assessed any thing towards the repairing or amending of the same; any thing in this Act, or any other Act of Assembly of this Province, to the contrary notwithstanding. *Provided, also*, that the said Col. John Gendron, his heirs and assigns, shall, by him or themselves, his or their servants or slaves, from time to time, as occasion shall require, maintain and keep in repair the said road hereinbefore mentioned to be by him made; and that the said road shall be deemed, taken and used as a public road.

In the Council Chamber, the 8th day of March, 1741.

WM. BULL, Jr., *Speaker.*

Assented to:

WM. BULL.

Acts relating to Roads, Bridges and Ferries.

A.D 1741.

AN ACT FOR SETTLING A FERRY ON SANTEE RIVER, IN THE WAY No. 687.
LEADING FROM CHARLESTOWN TO WILLIAMSBURG, AND FOR VESTING
THE SAID FERRY IN JOSEPH MURRAY, HIS EXECUTORS, ADMINISTRA-
TORS AND ASSIGNS, FOR THE TERM OF SEVEN YEARS; AND TO ENABLE
THE COMMISSIONERS OF THE PUBLIC ROADS NEAR THE SAID FERRY
TO LAY OUT, MAKE AND KEEP IN REPAIR, A ROAD ON EACH SIDE OF
THE SAID RIVER, LEADING TOWARDS THE SAID FERRY; AND FOR DE-
CLARING THE ROAD LEADING FROM WADBOE BRIDGE TO PALMER'S
FERRY TO BE A PRIVATE ROAD; AND FOR CONTINUING THE ROADS
IN THE PARISH OF ST. JOHN, IN BERKLEY COUNTY, TO THE PLACES
THEREIN MENTIONED.

WHEREAS, the inhabitants in the township of Williamsburg, and on the north side of Santee river, have, by their petition to the General Assembly, represented the great convenience that will attend the having a ferry established over Santee river, on the land belonging to Joseph Murray, to facilitate the passage of travellers from Charlestown to Williamsburg, and other the north-west parts of this Province. We therefore pray your most sacred Majesty that it may be enacted,

Preamble.

I. And be it enacted, by the Honorable William Bull, Esq., Lieutenant-Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act, there shall be a ferry kept and established over Santee river, on the land belonging to Joseph Murray, lying contiguous to the said river, in the way leading from Charlestown to Williamsburg, for the convenience of all persons using the same; and that the said ferry shall be, and the same is hereby, vested in the said Joseph Murray, his executors, administrators and assigns, for and during the term of seven years from and after the passing of this Act, and from thence to the end of the then next ensuing session of the General Assembly.

Murray's Ferry, over Santee, established.

II. And be it further enacted by the authority aforesaid, That the said Joseph Murray, his executors, administrators or assigns, shall provide and keep at the said ferry, during the time aforesaid, one good and sufficient boat, with at least two able men, (one of which shall be a white man,) fit for transporting of passengers, horses and cattle; and that it shall and may be lawful to and for the said Joseph Murray, his executors, administrators or assigns, for and during the term aforesaid, to ask, sue for, demand, levy, recover and receive, of and from every person and persons using the said ferry, the several rates and prices hereinafter mentioned, that is to say: for each passenger on foot, two shillings and six pence; for each horse, three shillings and nine pence; for a man and horse, five shillings, current money; for neat cattle, per head, ferried or swam, one shilling; for calves, sheep or hogs, per head, six pence. And when the freshes are so high that they are obliged to go from high-land to high-land, then all persons passing the said ferry shall be obliged to pay double the rates above mentioned; all which said rates and prices of ferriage shall be paid to the said Joseph Murray, his executors, administrators and assigns, for and during the term aforesaid, by all persons using the said ferry, at all times,

Conditions.

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except in times of alarm, when the said ferry shall be free, and also free to all persons sent at any time on his Majesty's service.

Toll, how to be recovered.

III. *And be it further enacted* by the authority aforesaid, That in case any person using the said ferry, (except as before excepted,) shall refuse or fail to pay to the said Joseph Murray, his executors, administrators or assigns, the several rates of ferriage aforementioned, that then it shall and may be lawful to and for the said Joseph Murray, his executors, administrators or assigns, to recover the same by warrant given for that purpose, under the hand and seal of any of his Majesty's justices of the peace, according to the method directed by the Act for the trial of small and mean causes.

Penalty for neglect.

IV. *And be it further enacted* by the authority aforesaid, That in case any person or persons coming to the said ferry, in order to pass over the said river, shall there meet with any unreasonable delay, for want of a sufficient ferry boat and two able men, as aforesaid, to transport them, their horses or cattle, from one side or other of the said river, he, the said Joseph Murray, his executors, administrators or assigns, then possessed of the said ferry, shall, in every such case, forfeit for every hour's delay, the sum of twenty shillings, current money, to be sued for, levied and recovered, in the manner directed by the said aforementioned Act for the trial of small and mean causes; *provided*, the said forfeitures be applied and sued for within ten days after the said delays shall happen, and not afterwards; one moiety of which forfeitures shall go to the poor of the parish, and the other moiety to the person or party so detained, and who shall inform and sue for the same; any thing hereinbefore contained to the contrary notwithstanding.

Road from Murray's ferry to Kingstree.

V. *And be it further enacted* by the authority aforesaid, That a road be laid out, made and kept in repair, in as direct a course as conveniently may be, leading from the said ferry to the King's Tree, in the township of Williamsburg; and that all the inhabitants and owners of slaves on the north side of the said Santee river, within so many miles of the said ferry as the commissioners of the public roads of that district next the said ferry shall judge proper, within their respective districts, be, and they are hereby, obliged and made liable and directed to lay out, make and keep in repair, the said road, in the same manner as is prescribed by the high-way Act of the General Assembly of this Province; and that the commissioners for the public roads for that district be the commissioners for the laying out, making and keeping in repair, the said road on the north side of the said river, who are hereby invested with the same powers, privileges, immunities and authorities, for the purpose aforesaid, as any other commissioners of the highways or public roads in any part of this Province; and that the said commissioners, or the commissioners of the said road for the time being, be obliged, and they are hereby required and directed, to lay out, make and complete, the said road within the term of three years from and after the passing of this Act; and that on their failure to make and finish the same, they shall each of them forfeit the sum of twenty pounds, proclamation money; one moiety whereof shall go to the poor of the parish, and the other moiety to the person or party that will inform and sue for the same; to be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, privilege or protection, shall be admitted, nor more than one imparlance.

VI. *And be it further enacted* by the authority aforesaid, That another

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road be laid out, made and kept in repair, on the south side of the said Santee river, in the most convenient place leading from the said ferry to St. John's Church, in Berkley county; and that all the inhabitants and owners of slaves on the south side of the said Santee river, within so many miles of the said ferry as the commissioners of the public roads of such districts where the said road shall be carried, shall judge proper, within their respective districts, be, and they are hereby obliged, made liable and directed, to make and keep in repair the said road, in the same manner as is prescribed and directed by the highway Act of the General Assembly of this Province; and that the commissioners of the public roads of that district on the south side of the said ferry, be, and they are hereby, ordered, empowered and directed to be, commissioners for the laying out, making and keeping in repair, the said road on the south side of the said river, who are hereby required to lay out, make and finish, the said road within the term of three years from and after the passing of this Act; and that the said commissioners be for that purpose invested with the same powers, privileges, immunities and authorities, and subject to the same penalties and forfeitures, for their neglect or failure of duty, as the commissioners hereinbefore mentioned are invested with, or made subject to, for the laying out, making and keeping in repair, the aforementioned road on the north side of the said Santee river.

Road from
Murray's Fer-
ry to St. John's
Church.

VII. *And be it further enacted* by the authority aforesaid, That the several inhabitants and owners of slaves on the south and north sides of the said Santee river, and who are hereby made liable and directed, and who shall work in the laying out, making and keeping in repair, either of the said roads leading from the said ferry, on either side of the said Santee river, shall be excused, and they are hereby excused and discharged, from any obligation to work upon any other road or roads in the same county; any law, usage or custom to the contrary notwithstanding.

Exemption.

VIII. *And be it further enacted* by the authority aforesaid, That if any of the said commissioners herein appointed, or any other person or persons acting by or under their authority, shall be sued or prosecuted for any matter, act or thing, executed or done by virtue of or by reason of this Act, that in every such case it shall and may be lawful for the person so sued or prosecuted to plead the general issue, and to give this Act and the special matter in evidence; and if a verdict shall pass for the defendant or defendants, or that the plaintiff or plaintiffs shall become non-suit, or suffer a discontinuance, that in every such case the defendant or defendants in any such action shall be paid and allowed his or their double costs; any law, usage or custom to the contrary notwithstanding.

General issue.
may be plead-
ed.

IX. And forasmuch as it is a complaint, that in divers parts of this Province, where ferries are by law established, and the proprietors of the said ferries obliged to keep sufficient boats and servants to wait and attend at the said ferries, that other persons living near the said ferries, do make a practice of transporting passengers, horses, cattle and goods, over the rivers where such ferries are established, to the prejudice and disappointment of the said proprietors of the said ferries; for the remedying whereof, *it is hereby further enacted* by the authority aforesaid, That if any person or persons, living within the space of one mile of the said ferry hereby established, or of any other established ferry in any part of this Province, shall, for any fee, toll or reward whatever, transport any person, goods or cattle, from one side only to the other of that river where any such established

Penalty for in-
terfering with
the rights of
chartered fer-
ries.

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ferry shall be kept, that in every such case, the person taking any such fee, toll or reward, shall forfeit and pay to the proprietor of the ferry next adjacent to the place where such fare was taken up, treble the value of the fee, toll or reward, given, paid or promised; to be recovered by warrant under the hand and seal of any one justice of the peace, according to the method directed by the Act for the trial of small and mean causes; any law, usage or custom to the contrary notwithstanding. *Provided, always,* that in case any passenger shall be detained more than half an hour at any such ferry, then any persons living near such ferries, may be at liberty to transport them; any thing herein to the contrary notwithstanding.

As to certain roads.

X. *And be it further enacted* by the authority aforesaid, That the road leading to and from the said ferry, on either side of the said river, shall be deemed a public road; and that the road leading to Palmer's ferry, on either side of the said Santee river, shall, from and after the passing of this Act, be deemed and taken to be a private road or path; and that the persons liable to work on and repair the said road or path last mentioned, shall henceforth be excused from working on or repairing the same; any law, usage or custom to the contrary notwithstanding.

XI. *And whereas*, it is necessary, for the convenience of the inhabitants of the parish of St. John, in the county of Berkley, that the roads in the said parish be continued farther than they at present extend; *Be it enacted* by the authority aforesaid, That the commissioners of the high-roads for the said parish of St. John, shall be, and they are hereby, obliged and required to continue the public high-road from the plantation of Mr. Rene Ravenell to the plantation of Mr. Samuel Edgar, in the said parish, inclusive; and also, to continue the road leading from the township of Amelia to the plantation late of Mr. Thomas Ferguson, deceased, in the said parish, as far as the line of the said parish extends; and both the said roads are hereby declared to be public roads, to all intents and purposes whatsoever; and all the inhabitants of the said parish, living contiguous to either of the said roads, shall be obliged to work thereon, respectively, as far as the parish line extends, and shall be exempted from working on any other public road in the said parish: any law, usage or custom to the contrary thereof in any wise notwithstanding.

WM. BULL, jun., *Speaker.**In the Council Chamber, the 8th day of March, 1741.**Assented to:*

WILLIAM BULL.

Acts relating to Roads, Bridges and Ferries.

A. D. 1741.

AN ACT TO APPOINT COMMISSIONERS TO LAY OUT A ROAD FROM THE CORNER OF CAPT. THOMAS JOHNSON'S PLANTATION FENCE, NORTHWESTWARD TO STEAD'S CREEK, AND FROM THENCE WESTWARD, SO AS MAY BEST SUIT THE LANDS LYING ON EDISTO RIVER; AND TO EMPOWER THE SAID COMMISSIONERS TO CONTINUE THE SAID ROAD TO THE LINE OF ORANGEBURG TOWNSHIP, OR TO LAY OUT ANY BY-ROAD OR ROADS INTO THE SAID ROAD. No. 691.

WHEREAS, the inhabitants and owners of lands lying between Cypress Swamp and Stead's Creek, and between the road to Orangeburg and Edisto river, are about to build a bridge over Stead's creek, at their own private charge: and *whereas*, the inhabitants and owners of lands lying between the said Stead's creek and Cypress swamp, and between the road to Orangeburg and Edisto river, will be put to great inconveniences for want of a road, (from the road leading by Capt. Thomas Johnson's plantation,) to the said Stead's creek. We therefore pray your most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Honorable Council; and the Commons House of Assembly in this Province, and by the authority of the same, That the commissioners hereinafter named shall, and they are hereby authorized, empowered and required to, lay out, make and keep in repair, a road to lead from the corner of Capt. Thomas Johnson's plantation fence, northwestward to Stead's creek, and from thence westward, so as may best suit the lands lying on Edisto river.

Road from
Johnson's to
Stead's creek,
&c.

II. *And be it enacted* by the authority aforesaid, That all male inhabitants, from the age of sixteen to sixty years, residing on such plantations as the commissioners hereinafter named, in conjunction with the commissioners for Orangeburg road, shall judge most convenient, shall, and they are hereby obliged to, make the said road, and keep the same in repair; and in case any of the persons adjudged proper by the said commissioners aforesaid, to work on the said road, shall neglect or refuse to do the same, they shall be liable to the same fines and forfeitures as any persons by Act of the General Assembly for making roads in this Province are.

Who to work
on it.

III. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named shall and may, and they are hereby authorized and empowered to, continue the said road, as occasion shall require, from time to time, as far as the boundary line of Orangeburg township, and to lay out any by-road or roads into the said road leading from Capt. Thomas Johnson's plantation fence to the line of Orangeburg Township, as aforesaid.

Commissioners
may continue
the road.

IV. *And be it further enacted* by the authority aforesaid, That the several inhabitants residing on the several plantations that shall be adjudged proper persons, (by the commissioners hereinafter named, in conjunction with the commissioners of Orangeburg road,) to work on and keep in repair the said road, be, and they are hereby, exempted from working on any road, bridge or causey whatsoever, other than the road aforesaid, and the bridge about to be built over Stead's creek; any law, usage or custom to the contrary in any wise notwithstanding.

Exemption.

A.D. 1741.

*Acts relating to Roads, Bridges and Ferries.*Powers of
commissioners.

V. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, or any three of them, shall have, use and exercise, all the powers and authorities for putting this Act in execution, which are given to any other commissioners of high roads, and be subject to the same penalties as are inflicted on any commissioners of high roads, by any Act of the General Assembly of this Province, (except where the commissioners for Orangeburg road are impowered by this Act, in conjunction with the commissioners hereinafter named, to do such things as are required by this Act, in which case any six of the whole number shall use and exercise all the powers and authorities mentioned as aforesaid, and be subject to the same penalties as aforesaid.)

Commissioners

VI. *And be it further enacted* by the authority aforesaid, That Mr. John Drayton, Mr. John Cattell, (son of William,) Mr. John Stevens, Mr. John Roberts, and Mr. Francis Ladson, shall be, and they are hereby nominated and appointed, commissioners for putting this Act in execution. And it is hereby further *provided*, that the several persons who shall become liable, by virtue hereof, to assist in laying out, making and repairing, the said road, shall be summoned to work upon such part of the said road as shall be nearest and most convenient to their respective habitations or plantations.

General issue
may be plead-
ed.

VII. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or any of them, or any other person or persons, acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue or in pursuance of the direction of this Act; it shall and may be lawful to and for the said commissioners, or any other person or persons, so sued or prosecuted, to plead the general issue and give this Act and the special matter in evidence; any law, usage or custom to the contrary thereof in any wise notwithstanding.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 3d day of July, 1741.**Assented to :*

WILLIAM BULL.

No. 692. AN ADDITIONAL AND EXPLANATORY ACT TO AN ACT ENTITLED "AN ACT TO EMPOWER THE SEVERAL COMMISSIONERS OF THE HIGH-ROADS, PRIVATE PATHS, BRIDGES, CREEKS, CAUSEYS, AND CLEANSING OF WATER PASSAGES, IN THIS PROVINCE OF SOUTH CAROLINA, TO ALTER AND LAY OUT THE SAME, FOR THE MORE DIRECT AND BETTER CONVENIENCE OF THE INHABITANTS THEREOF."

Preamble.

WHEREAS, the regulations made in and by an Act of the General Assembly of this Province, entitled "An Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys, and cleansing of water passages, in this Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of

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the inhabitants thereof," have not fully answered the good ends proposed in passing the same; and several regulations and explanations being further necessary to be made for that purpose—we humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That all and every the white male person and persons whatsoever, liable by law to appear at any of the high roads, private paths, bridges, causeys, creeks, passages or water courses in this Province, when the same are making, mending or repairing, who shall neglect or refuse to appear, or appearing, shall presume to depart therefrom, while such highways, private paths, bridges, causeys, creeks, passages or water courses, are making, mending or repairing, every such person so offending, shall forfeit, for every day he shall offend herein, the sum of twenty shillings, current money; and in case any white person or persons whosoever, shall get drunk during the time he or they is or are attending the working upon the highways, bridges, causeys, creeks, passages or water courses, every such person shall forfeit the sum of five pounds, current money, for every such offence; which forfeitures shall be recovered and applied in the manner hereinafter directed.

Duty of persons liable to work on the highways.

II. *And be it further enacted* by the authority aforesaid, That all and every person and persons who are liable to work on the high road leading from Pon Pon bridge to Ashepoo bridge, in the parish of Saint Bartholomew, shall be exempted from working upon any other high road whatsoever; any Act, law, usage or custom to the contrary notwithstanding.

From Pon Pon bridge to Ashepoo bridge.

III. *And be it further enacted* by the authority aforesaid, That the commissioners of the high roads, private paths, bridges, causeys, creeks, passages and water courses, for the parish of Saint John, in the County of Colleton, which parish, at the time of passing the Act above recited, was in the parish of Saint Paul, shall, and they are hereby declared to be, a distinct board of commissioners for the said parish of Saint John in Colleton County.

Commissioners for St. John's parish.

IV. *And whereas*, there are but two commissioners for the road leading from Dandridge's bridge to Parker's ferry, in the Parish of Saint Paul, who are not a sufficient number for the said road. *Be it further enacted* by the authority aforesaid, That Richard Wright and Burnaby Bull, Esquires, and Mr. Elisha Butler, be also commissioners for the said road, to make up the number five, which number, in case of death or refusal to act, shall be supplied and appointed in like manner, and have the like powers and authorities, and be under like penalties and directions, as the commissioners appointed by any law of this Province for the said road.

For road from Dandridge's to Parker's.

V. *And whereas*, by the nineteenth paragraph of the before recited Act, entitled "An Act to empower the several commissioners of the high roads, &c." high roads and private paths are so blended together, as if they were designed to be made and kept in repair, both the one and the other, at the expense and by the equal labor of the several persons inhabiting the said parishes, respectively, which is conceived was not the real intention of the said Act, nor ought to be so interpreted or understood; therefore, for removing all doubts concerning the same, and to the intent that private paths may be made and kept in repair, at the just and proportionable expense of the several persons concerned and interested therein, and at

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Private paths,
how to be made
and kept up.

whose application such private paths are or shall be hereafter laid out, *Be it further enacted* by the authority aforesaid, That all roads laid out or to be laid out, made or to be made, at the instance and by the application of particular persons, are hereby declared to be private paths; and shall be made and kept in repair by the proportionable labor and expense of such person and persons who shall apply for, or shall use the same in common with that neighborhood, and by no other person or persons whatsoever; which working upon such private paths, shall not exempt or excuse the person or persons working thereon, from working on the high roads on which such person or persons were obliged to work before such private path was laid out, except where any person hath been, or shall be, exempted by any Act of the General Assembly of this Province; and the commissioners of the high roads for the time being, on application made to them, shall, and they are hereby required to, lay out and cause to be made and kept in repair, in their respective districts, all and every the private paths within the same, at the just and proportionable expense and labor of all and every the male inhabitants, from sixteen to sixty years of age, residing therein, in such manner that no person or persons shall be obliged or compellable to labor on, or shall be at more charge in making or keeping in repair such private paths, than shall be consistent with the advantage received or to be received therefrom by him or them; and so that such person and persons shall only work or labor on, or be charged for such distance and part of such private paths, as he or they shall receive particular use or advantage from; any law, usage or custom to the contrary notwithstanding.

Power of com-
missioners.

VI. And for settling any disputes which may arise concerning any of the high roads and private paths—*Be it further enacted* by the authority aforesaid, That the board of commissioners in each parish, at their appointed time of meeting, shall be, and are hereby, empowered to decide all such disputes as shall arise, and to determine agreeable to the intention of this Act, which roads are to be deemed private paths, and which high roads, and what persons are to work thereon, and on what part thereof they are to work; which determination shall be final and binding, and not to be altered by any future board of commissioners.

District be-
tween Edisto
and Ashepoo.

VII. And *whereas*, by reason of a mistake in the twelfth paragraph of the said, in part, recited Act, the lands lying between the west side of South Edisto river, and the north-east side of Ashepoo river, is supposed to be in the parish of Saint Paul, in Colleton County, when the same, in fact, is in the parish of Saint Bartholomew, in the said county; for rectifying, therefore, of the said mistake—*Be it further enacted* by the authority aforesaid, That the said lands, so lying between the west side of South Edisto river, and the north-east side of Ashepoo river, are hereby declared to be within the parish of Saint Bartholomew, in Colleton County; and Culbeth Golightly, Esquire, Mr. Thomas Eberson, and Mr. John Jackson, be, and they are hereby, appointed commissioners for the high road leading from Pon Pon Bridge to the Fish Pond Bridge, and of all and every the private paths, causeys, creeks, bridges, and water passages within that district; and the said Culbeth Golightly, Esquire, Thomas Eberson, and John Jackson, and all and every other the commissioners of the high roads, private paths, causeys, creeks, bridges and water passages, lying between the said Pon Pon and Ashepoo rivers, shall have the same powers, privileges and authorities, in their respective districts, and shall be subject and liable to the same penalties and forfeitures, as any other commissioners are invested with, or are subject or liable to, by any Act of the General Assembly

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of this Province; any thing in the said Act to the contrary in any wise notwithstanding.

VIII. And *whereas*, it hath been doubted whether the commissioners of the high roads, private paths, bridges, causeys, cuts, and water passages, having once taken upon themselves to execute the said offices, respectively, can afterwards resign the same. *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful to and for all and every the commissioners aforesaid, after having served three years from the time of passing this Act, to resign their offices, respectively, by signifying the same, under their hands, to the board of commissioners for the parish or district, respectively, for which they are or shall be appointed, at one of the times of their annual meetings. Commissioners may resign.

IX. And *be it further enacted* by the authority aforesaid, That Mr. Joseph Wilkinson, Colonel John Bee and Mr. James Stobo, be commissioners for cutting, clearing and cleansing New Cut; and that Mr. Joseph Coely, Mr. William Adams and Archibald Calder, Esquire, be commissioners for cutting, clearing and cleansing Watt's Cut; and that Mr. John Stanyarne, Mr. Isaac White and Mr. Thomas Tatnell, be commissioners for cutting, clearing and cleansing Wappoo Creek; and that Mr. Paul Grimbail, Mr. John Jenkins and Mr. Robert Sams, be commissioners for the Hawlover, at the lower end of John's Island; and that Major Thomas Hext, Mr. Joseph Jones and Mr. Joseph Stanyarne, be commissioners for Newtown Cut; and that Alexander VanDussen, Samuel Morris, Esquire, and Mr. Zacharia Villepontoux, be commissioners for cutting, clearing and cleansing, the cut near Red Bank; which commissioners are hereby declared to be the only commissioners for the purposes aforesaid; and shall have the same powers and authorities, and shall follow the same directions, as are particularly mentioned and described by an Act entitled "An Act for cleansing and opening the several creeks, cut-offs, or water passages therein mentioned, and for regulating the boats and pettyaugers going through the same," passed the twenty-fifth day of March, one thousand seven hundred and thirty-eight; any law, usage or custom to the contrary notwithstanding; and the said commissioners shall, within eighteen months from the time of passing this Act, cut, clear and clean, the said New Cut, Watt's Cut, Wappoo Creek, the Hawlover, Newtown Cut, and the cut near Red Bank, respectively; and in case they shall neglect or refuse to do the same in the time above limited for that purpose, then each and every of the said commissioners shall forfeit the sum of two hundred pounds, current money; to be recovered and applied as hereinafter is directed. Commissioners appointed.

X. And *be it further enacted* by the authority aforesaid, That in case the commissioners for Wappoo Cut should make a water passage through the firm land of Mrs. Sarah Woodward, they are hereby directed and empowered to summons five freeholders, in the vicinage, to estimate the damage which shall be sustained by Mrs. Woodward, from the said cut; two of the freeholders to be nominated by the commissioners, and two by Mrs. Woodward; which said four arbitrators, in case they cannot agree, shall choose a fifth person; and their determination therein shall be final and decisive; and the said commissioners are hereby empowered to draw upon the public treasurer, for the time being for such damages, who is hereby required to pay the same; which is to be replaced by a tax on the inhabitants making use of the said cut. Compensation to Mrs. Woodward.

XI. And *whereas*, the inhabitants and freeholders on Ashepoo River, and the lands adjacent, have petitioned the General Assembly for leave

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*Acts relating to Roads, Bridges and Ferries.*Cut to be made
from Ashepoo
to Pon Pon.

to cut a creek from Ashepoo to Pon Pon river, at the upper end of the Goose Marsh between the said two rivers. *Be it therefore enacted* by the authority aforesaid, That Culcheth Golightly, Esquire, Mr. John Kelsale, Mr. Thomas Ebersson, Mr. David Godin and Mr. John Hutchinson, or the majority of them, be, and they are hereby appointed to be, commissioners for cutting, cleansing and keeping in repair the said creek, at such place through the said marsh as they shall judge to be most convenient, as near as possible upon a straight line from Ashepoo river to Pon Pon River, and to such a depth and breadth as they shall think necessary; *provided*, the same do not exceed twenty feet in breadth and six feet in depth; and shall have full power and authority, and they are hereby authorized and empowered, to agree with any sober and discreet person or persons to undertake the cutting, cleansing or repairing of the said creek, as they shall see meet; and to assess such sum or sums of money as they shall so agree for, by an equal proportion on all the male persons, from the age of sixteen years to sixty years, residing on or making use of, or that shall make use of any landing on the said Ashepoo river or the branches thereof, from Bennet's Point and Cochran's Island, exclusive, to the head of the said river; and in case any person shall neglect or refuse to pay his or their proportion of such assessment, the commissioners shall levy the same by distress and sale of the defaulter's goods.

Exemption.

XII. *And be it further enacted* by the authority aforesaid, That all persons liable by this Act to pay towards cutting and keeping in repair the said creek, be, and they are hereby, exempted from paying towards or working on any other creek or cut-off whatever; any law, usage or custom to the contrary notwithstanding.

Roads, &c. to
be worked on
annually.

XIII. *And be it further enacted* by the authority aforesaid, That the several commissioners of all and every the high roads, private paths, bridges, causeys, creeks, passages and water courses, laid out and to be laid out, made and to be made, cleared, altered, amended and repaired, in any part of this Province, shall be, and they are hereby, obliged and required to cause the persons liable to work upon the said high roads, private paths, bridges, causeys, creeks, passages and water courses, of which they are or shall be commissioners, to work, respectively, at least once in every year, in case the same shall need any repair, under the penalty of one hundred pounds, current money, to be paid by each and every such commissioner and commissioners who shall neglect or refuse so to do; to be recovered and applied in the manner hereinafter directed.

Five commis-
sioners to be a
quorum.

XIV. *And be it further enacted* by the authority aforesaid, That in case no more than five of the commissioners of the high roads, private paths, bridges, causeys, creeks, passages, and water courses, for any parish or district in this Province, respectively, shall meet at the Parish Church, or where there is no church, at the usual place of meeting for the said commissioners, at the times prescribed by the Act above recited, to determine of the matters in the said Act mentioned, then the said five commissioners so met together as aforesaid, shall be deemed, and they are hereby declared to be, a board of commissioners, to all intents and purposes whatsoever, to determine of all such matters concerning high roads, private paths, bridges, causeys, creeks, passages, and water courses, as by the said recited Act is directed and appointed; any thing in the said Act contained, or any law, usage or custom, to the contrary thereof in any wise notwithstanding.

XV. *And be it further enacted* by the authority aforesaid, That all and every the penalties and forfeitures inflicted by this Act, above the sum of

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twenty pounds, current money; shall and may be sued for and recovered, by action of debt, bill, plaint or information, in any court of record in this Province; wherein no essoign, privilege, protection or wager of law shall be allowed or admitted, nor any more than one imparlance; and shall be applied, one half to his Majesty, for repairing the roads and bridges in the parishes, respectively, where such penalties shall be incurred, and the other half to him or them who will inform and sue for the same; and all sums under twenty pounds, current money, shall be recovered and levied by warrant of distress, under the hands and seals of a majority of the commissioners of that district, respectively, where the offence shall be committed; and shall be applied to the same use as herein directed.

Forfeitures,
how to be re-
covered and
applied.

XVI. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners of the high roads, private paths, bridges, causeys, creeks, passages, and water courses, in this Province, or any other person, shall be sued or prosecuted, for any matter or thing done or to be done in obedience to the directions of this Act, or the Act above recited, or any other Act of the General Assembly of this Province, relating to the making, mending or altering high roads, private paths, bridges, causeys, creeks, passages or water courses; he and they shall be at liberty to plead the general issue, and give this Act and such other Acts as aforesaid, and the special matter, in evidence.

General issue
may be dead-
ed.

XVII. *And be it further enacted* by the authority aforesaid, That this Act, and every matter and thing therein contained, shall continue and be of force for the space of three years from the passing of this Act, and from thence to the end of the next session of the General Assembly, and no longer.

Limitation.

WM. BULL, Jr. *Speaker.**In the Council Chamber, the 3d day of July, 1741.**Assented to:* WILLIAM BULL.

AN ACT DECLARING DORCHESTER BRIDGE, BAACON'S BRIDGE, MCCOL-
LUM'S BRIDGE, EAGLE'S BRIDGE, BAKER'S BRIDGE, AND WARING'S
BRIDGE, IN THE PARISH OF SAINT GEORGE DORCHESTER, TO BE PA-
RISH BRIDGES, AND APPOINTING THE MANNER IN WHICH THE SAME
SHALL HEREAFTER BE KEPT IN REPAIR; AND FOR REVIVING AND CON-
TINUING AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE, EN-
TITLED "AN ADDITIONAL AND EXPLANATORY ACT TO AN ACT ENTITLED
AN ACT TO EMPOWER THE SEVERAL COMMISSIONERS OF THE HIGH
ROADS, PRIVATE PATHS, BRIDGES, CREEKS, CAUSEYS, AND CLEANSING
OF WATER PASSAGES, IN THIS PROVINCE OF SOUTH CAROLINA, TO AL-
TER AND LAY OUT THE SAME, FOR THE MORE DIRECT AND BETTER
CONVENIENCE OF THE INHABITANTS THEREOF."

No 706.

WHEREAS, the bridges commonly called Dorchester Bridge, Bacon's
Bridge, McCollum's Bridge, Eagle's Bridge, Baker's Bridge, and Waring's

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Bridge, in the parish of Saint George Dorchester, are greatly expensive and burthensome to some of the inhabitants, although the said bridges are of a public benefit; to the intent, therefore, that the charge and expense of keeping the said bridges in repair may be borne by all the inhabitants of the said parish—we humbly pray your most sacred Majesty that it may be enacted, and

Sundry bridges
declared public.

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, and by the authority of the same, That the bridges commonly called Dorchester Bridge, Bacon's Bridge, McCollum's Bridge, Eagle's Bridge, Baker's Bridge, and Waring's Bridge, in the parish of Saint George Dorchester, shall be, and they are hereby declared to be, parish bridges, and shall, for ever hereafter, be kept in repair at the equal charge and expense of all the male inhabitants and male slaves, from the ages of sixteen to sixty years, in the said parish; any law, statute, usage, or custom to the contrary notwithstanding; except such part of the inhabitants of the said parish as are hereinafter excepted, that is to say:—all persons made liable by an Act passed the fifth day of March, one thousand seven hundred and thirty-six, to work on a road from the head of the path that leads from Dorchester to Captain Izard's cow pen, to the township of Orangeburgh; and also, all persons living on the west side of Stead's creek, in the said parish.

Return to be
made to com-
missioners of
persons liable
to work.

II. *And be it further enacted* by the authority aforesaid, That all and every person and persons whoever, made liable by this Act to defray the expenses of repairing the said bridges, shall, upon a summon or notice in writing, affixed in some public place in the said parish of Saint George Dorchester, at the place and time to be appointed for that purpose by the commissioners hereinafter named, or a majority of them, give in an account, on oath, to the said commissioners, or send a certificate of such oath having been taken before one of his Majesty's justices of the peace, of all the male persons in their families, from the age of sixteen to sixty years; and where the owner of any plantation in the said parish shall not reside thereon, then the overseer on such plantation may give in such account, on oath, in manner aforesaid; and in case any person or persons whoever, shall refuse or neglect to render such account, on oath, to the said commissioners, by the time and at such place as shall be by them appointed for that purpose as aforesaid, then the said commissioners, or a majority of them, shall be, and they are hereby, fully empowered, authorized and required, to assess the defaulters in such manner as they shall think reasonable.

Commissioners
and their pow-
ers.

III. *And be it further enacted* by the authority aforesaid, That Robert Wright, Henry Middleton, and William Walter, Esquires, Captain Walter Izard, jr., Mr. Andrew Slan, Mr. Joseph Izard, and Mr. Richard Waring, shall be commissioners for putting this Act, and every matter and thing therein contained, in execution; any law, statute, usage, or custom to the contrary notwithstanding; and shall be, and they are hereby, invested with all the powers and authorities, for assessing, collecting, levying and receiving, from the several persons hereby made liable to defray the expense of repairing the said bridges, the several sums that shall, on them, be respectively assessed, as are or have been given by any Act of the General Assembly of this Province, to the inquirers and collectors of the taxes, for assessing, collecting, and receiving the Provincial or General tax; and shall and may proceed in the same manner for recovery of the

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same, from all and every person and persons who shall neglect or refuse to pay the part on them respectively assessed by the said commissioners. And the said commissioners are hereby further empowered to raise any sum not exceeding twenty pounds, proclamation money, more than may be wanting at an assessment, to be kept as a fund for repairing the said bridges on any emergent occasion.

IV. *And be it further enacted* by the authority aforesaid, That in case of the death, absence or refusal to act, of any one or more of the said commissioners, such vacancy shall be filled up by the general board of commissioners for the said parish, in the same manner as other commissioners are directed to be chosen, by an Act entitled "An Act to empower the several commissioners of the high roads, private paths, bridges," &c. ratified the fifteenth day of September, one thousand seven hundred and twenty-one. Vacancies.

V. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or either of them, or any other person acting under them, shall be sued for any act, matter or thing, by them done in pursuance of the directions of this Act, it shall and may be lawful for them and every of them, to plead the general issue, and to give this Act and the special matter in evidence. General issue may be pleaded

VI. *And be it further enacted* by the authority aforesaid, That an Act of the General Assembly of this Province, entitled "An additional and explanatory Act to an Act entitled An Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys, and cleansing of water passages, in this Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof," passed the third day of July, in the year of our Lord one thousand seven hundred and forty-one; and every article, matter and thing therein contained, shall, and is hereby declared to be, revived and continued for the term of ten years from the time of passing this Act, and from thence to the end of the next session of the General Assembly after, and no longer. Act No. 692; revived and continued.

WM. BULL, Jr. *Speaker.**In the Council Chamber, the 29th day of May, 1744.**Assented to:*

JAMES GLEN.

AN ACT IMPOWERING COMMISSIONERS TO FINISH AND CONTINUE CERTAIN ROADS ALREADY LAID OUT, FOR THE CONVENIENCE OF THE INHABITANTS RESIDING BETWEEN SALTCATCHER AND POCATALIGO RIVERS. No. 711;

WHEREAS, divers of the inhabitants of St. Helena parish, living about Saltcatcher, have, by their petition to the General Assembly, set forth the great inconveniences of their having no established road to church,

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*Acts relating to Roads, Bridges and Ferries.*Certain roads
to be com-
pleted.

convenient landing or muster-field, praying relief in the same. We therefore pray your most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency James Glen, Esq., Captain-General, Governor and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, and by the authority of the same, That the commissioners hereinafter named shall be, and are hereby, empowered to finish and amend a road already laid out, from a bluff on Combehee river, commonly called Ellis's Bluff, to the causey on the north side of Pocataligo river; and also, to finish, amend and continue, the road already laid out from the aforesaid road, leading towards the plantation of the Honorable Joseph Wragg, Esq., on Saltcatcher river, and to continue the same as far as the conveniencies of the inhabitants shall require the same.

Who to work
on them.

II. *And be it further enacted* by the authority aforesaid, That all the male inhabitants from sixteen to sixty years of age, residing above the road leading from Ellis's Bluff to the causway on the north side of Pocataligo river, and between the said river and the south branches of Saltcatcher river, shall be employed in making and repairing the aforesaid roads, and be exempt from working on any other roads already laid out; any former law, usage or custom, to the contrary in any wise notwithstanding.

Commissioners
and their pow-
ers.

III. *And be it further enacted* by the authority aforesaid, That Joseph Butler, Alexander Moon, and William Buchanan, be, and they are hereby appointed, commissioners for putting this Act in execution; and shall be under the same regulations and penalties, and have the same powers and authorities, as are given to the commissioners of the high-roads by an Act entitled "An Act to empower the several commissioners of the high-roads, private paths, bridges, creeks, causways, and for cleansing of water-passages, in the Province of South Carolina, to alter and lay out the same, for the more direct and better conveniency of the inhabitants thereof," passed the fifteenth day of September, one thousand seven hundred and twenty-one, or by any other Act of the General Assembly of this Province.

WM. BULL, Jun., *Speaker.**In the Council Chamber, the 9th day of May, 1744.*

Assented to: JAMES GLEN.

Acts relating to Roads, Bridges and Ferries.

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No. 718.

AN ACT FOR BUILDING A BRIDGE OVER THE NORTH BRANCH OF BLACK RIVER, OPPOSITE TO THE LANDING OF JOHN WALLIS, ESQ., DECEASED, IN THE PARISH OF PRINCE GEORGE WINYAW; AND FOR BUILDING A BRIDGE BETWEEN LADY'S ISLAND AND ST. HELENA'S ISLAND, IN GRANVILLE COUNTY, FROM THE CAUSWAYS ALREADY BEGUN TO BE MADE OVER THE MARSHES ON THE SAID ISLANDS.

WHEREAS, the building a bridge over the north branch of Black river, opposite to the landing of John Wallis, Esq., deceased, in the parish of Prince George Winyaw, and the building a bridge between Lady's Island and St. Helena's Island, in Granville county, from the causeys already begun to be made over the marshes on the said islands, will be of great convenience and advantage to the inhabitants of the said parishes, as well as to others travelling in those parts. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Assembly of this Province, and by the authority of the same, That Anthony White, Edward Handlin, John White, William Fleming, and John McKever, be commissioners, and shall be, and they are hereby, authorized and required, as soon as conveniently may be, after the passing of this Act, to build, or cause to be built and erected, a good and substantial bridge over the north branch of Black river, opposite to the landing of John Wallis, Esq., deceased, in the parish of Prince George Winyaw. And that Richard Capers, John Cowen, and Jonathan Norton, be commissioners, and shall be, and they are hereby, authorized and required, as soon as conveniently may be, after the passing of this Act, to build, or cause to be built and erected, a good and substantial bridge between Lady's Island and St. Helena's Island, in Granville county, from the causeys already begun to be made over the marshes in the said islands.

Bridge over
Black River.From Lady's
to St. Helena's
Islands.

II. For defraying the charge and expense of building and erecting the said bridges; *Be it further enacted* by the authority aforesaid, That the said commissioners, respectively, or a major part of them, shall have power, and they are hereby empowered, to tax and assess all the male inhabitants and male slaves within the parishes respectively where the said bridges are to be built, from sixteen to sixty years of age, in order to raise a sufficient sum of money to finish and complete the said bridges, respectively; and that the commissioners for building a bridge over the north branch of Black river, and the commissioners for building a bridge between Lady's Island and St. Helena's Island, shall, respectively, have, and they are by this Act declared to have and be invested with the same powers and authorities, for taxing, assessing, raising and levying so much money as will finish and complete the building of the said bridges, respectively, as the several commissioners of high-roads or public paths have by virtue of an Act entitled "An Act to empower the several commissioners of the high-roads, private paths, bridges, creeks, causeys, and cleansing of water-passages, in this Province of South Carolina, to alter and lay out the same, for the more direct and better conveniency of the inhabitants thereof," passed the fifteenth day of September, in the year of our Lord one thousand seven hundred and twenty-one, or by virtue of any other Act or Acts of the General Assembly of this Province.

Assessment.

Powers of
commissioners.

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*Acts relating to Roads, Bridges and Ferries.*Said bridges
declared pub-
lic.

III. *And be it further enacted* by the authority aforesaid, That the said bridge directed by this Act to be made over the north branch of Black river, and the said bridge to be made between Lady's Island and St. Helena's Island, when the same shall be finished, shall be, and are hereby declared to be, public bridges, and shall from thenceforward be, respectively, repaired and kept in repair as other the public bridges of this Province are, or by law ought to be, repaired or kept in repair.

General issue
may be plead-
ed.

IV. *And be it further enacted* by the authority aforesaid, That in case any action or suit shall be brought, sued or prosecuted, against the said several commissioners, or any or either of them, or any other person or persons whoever, for any matter or thing by them, or any or either of them, done, or to be done, by virtue of or in pursuance of the direction of this Act, it shall and may be lawful to and for the said commissioners and other persons to plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs shall discontinue, become non-suit, or a verdict shall pass against them, the court in which such action shall be sued or commenced, shall tax and allow to every such defendant or defendants his and their double costs of suit, and for which the said defendants shall have like remedy as by law is given to other defendants.

WM. BULL, Jr. *Speaker.**In the Council Chamber, the 29th day of May, 1744.**Assented to :*

JAMES GLEN.

No. 728. AN ACT TO IMPOWER THE COMMISSIONERS OF THE HIGH-ROADS FOR THE PARISH OF ST. JOHN, IN BERKLEY COUNTY, TO MAKE A NEW CAUSEY LEADING TO CHILDSBURY FERRY, IN THE SAID PARISH; AND FOR CUTTING A WATER-PASSAGE THROUGH CERTAIN LAKES AT THE HEAD OF BLACK MINGO CREEK, IN THE PARISH OF PRINCE FREDERICK WINYAW; AND TO RECTIFY A MISTAKE IN AN ACT OF THE GENERAL ASSEMBLY OF THIS PROVINCE, ENTITLED "AN ACT FOR BUILDING A BRIDGE OVER THE NORTH BRANCH OF BLACK RIVER, OPPOSITE TO THE LANDING OF JOHN WALLIS, ESQ., DECEASED, IN THE PARISH OF PRINCE GEORGE WINYAW; AND FOR BUILDING A BRIDGE BETWEEN LADY'S ISLAND AND ST. HELENA'S ISLAND, IN GRANVILLE COUNTY, FROM THE CAUSEYS ALREADY BEGUN TO BE MADE OVER THE MARSHES ON THE SAID ISLANDS."

Preamble.

WHEREAS, the commissioners of the high-roads in the parish of St. John, in Berkley county, have, by their humble petition to the General Assembly, set forth that the causey at Childsbury ferry being very narrow and crooked, if the same was made straight the road would be considerably

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shortened; to the intent, therefore, that the said commissioners may be enabled to make the said causey more convenient for travellers, we humbly pray your most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Assembly of the said Province, and by the authority of the same, That the commissioners of the high-roads for the parish of St. John, in Berkley county, be, and they are hereby, fully authorized, empowered and required to make a new causey, leading to Childsbury ferry, in the said parish, of such width, and in such manner, as they, in their discretion, shall think most convenient for the inhabitants of the said parish.

Causway to
Childsbury
Ferry.

II. *And be it further enacted* by the authority aforesaid, That the expense of making the said new causey, and keeping the same hereafter in repair, shall be defrayed by those persons who by law are obliged to work on and keep the present causey in repair; any law, statute, usage or custom, to the contrary notwithstanding.

Who to work
on it.

III. *And whereas*, several of the inhabitants on Black Mingo Creek, in the parish of Prince Frederick Winyaw, have, by their humble petition to the General Assembly, set forth the great advantage it would be to them and others whose lands are adjacent, if the lakes and water-courses in the swamp, at the head of the said creek, were made navigable for flats or canoes, and praying for a law for that purpose. *Be it therefore enacted* by the authority aforesaid, That Thomas M'Keithen, John M'Iver, David Allen, Nathaniel Drew, and John M'Cants, be, and are hereby appointed, commissioners for cutting and clearing the lakes and water-courses in the swamp at the head of Black Mingo creek aforesaid; and they are hereby fully authorized and empowered to cut and clear the lakes and water-courses in the said swamp, (that is to say,) from the plantation of Col. Anthony White, on the said creek, to the mouth of the run commonly called Heathly's Run, and to make the same navigable for flats or canoes, at their own proper cost and charge, or at the cost and charge of such person or persons as are or shall be willing to contribute thereto; and in order to reimburse the charge and expense of so doing, it shall and may be lawful to and for the said commissioners, or such person as they or the majority of them shall appoint, to ask, sue for, demand, levy, recover and receive, of and from every person and persons who shall use the said water-passage, after the same is cut and finished, the following rates, that is to say: for every barrel of rice that shall be put on board any boat, flat or canoe, at any part of the said water-passage, one shilling, current money; for every barrel of tar, turpentine, pitch, beef or pork, six pence, current money; for every cask of butter, three pence, current money; and for every bushel of grain, of any sort whatever, one penny, current money. And the said commissioners, or such person as the majority of them shall appoint, are hereby impowered and authorized to take and receive the rates aforesaid, and to apply the same to the use of such person and persons as shall have contributed to the expence of cutting and clearing the said water-passage, until they be fully reimbursed, and no longer; and in case any person shall neglect or refuse to pay to the said commissioners, or such person as they or the majority of them shall appoint, the said several rates aforementioned, the same shall and may be recovered as is directed by an Act entitled "An additional Act to an Act for the trial of small and mean causes."

Canal at the
head of Black
Mingo creek.

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to account.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners shall, as soon as the work aforesaid shall be perfected by them, lay an account of the charge and cost of the same before the commissioners of the high-roads in the said parish of Prince Frederick Winyaw; and shall afterwards render an account upon oath, yearly, to them, of the moneys collected in pursuance of this Act, until the whole charge and cost of cutting and clearing the said lakes and water-courses shall be fully defrayed.

General issue
may be plead-
ed, &c.

V. *And be it further enacted* by the authority aforesaid, That in case any action or suit shall be brought, sued or prosecuted, against the said several commissioners, or any or either of them, or any other person or persons whoever, for any matter or thing by them, or any or either of them, done or to be done, by virtue of or in pursuance of the direction of this Act, it shall and may be lawful to and for the said commissioners and other persons to plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or plaintiffs shall discontinue, become nonsuit, or a verdict shall pass against them, the court in which such action shall be sued or commenced shall tax and allow to every such defendant or defendants his and their double costs of suit, and for which the said defendants shall have like remedy as by law is given to other defendants.

Vacancies.

VI. *And be it further enacted* by the authority aforesaid, That in case any or either of the said commissioners shall happen to die, refuse to act, or depart this Province, it shall and may be lawful for the remaining commissioners to appoint another commissioner or commissioners in the room of him or them so dying, refusing to act or departing this Province; and such commissioner or commissioners, so appointed, shall have the same powers and authorities, for carrying this Act into execution, as if herein particularly named.

Act No. 718
amended.

VII. *And whereas*, by an Act of the General Assembly, passed the twenty-ninth day of May, one thousand seven hundred and forty-four, entitled "An Act for building a bridge over the north branch of Black River, opposite to the landing of John Wallis, Esq., deceased, in the parish of Prince George Winyaw; and for building a bridge between Lady's Island and St. Helena's Island, in Granville county, from the causeys already begun to be made over the marshes on the said islands," it is, among other things, enacted that certain commissioners therein named do cause to be built a bridge over the north branch of Black river, opposite to the landing of John Wallis, Esq., deceased, in the parish of Prince George Winyaw. *And whereas*, the aforesaid part of the north branch of Black river is within the bounds of the parish of Prince Frederick, and not of Prince George, as in the aforesaid Act it is erroneously said to be; to the end, therefore, that the said error may be amended, *Be it enacted* by the authority aforesaid, That the powers granted by the said Act to the commissioners therein named, for building a bridge over the north branch of Black river, opposite to the landing of John Wallis, Esq., deceased, in the parish of Prince George Winyaw, shall be, and are hereby, vested in the said commissioners for building a bridge over the said north branch of Black river, opposite to the landing of John Wallis, Esq., deceased, in the parish of Prince Frederick, Winyaw; any thing in the said Act to the contrary notwithstanding.

WM. BULL, Jr., *Speaker.**In the Council Chamber, the 25th day of May, 1745.*

Assented to:

JAMES GLEN.

Acts relating to Roads, Bridges and Ferries.

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AN ACT FOR VESTING THE FERRY OVER SOUTH EDISTO RIVER, KNOWN BY THE NAME OF PARKER'S FERRY, IN JANE GRAINGE AND HER ASSIGNS, FOR THE USES AND DURING THE TERM THEREIN MENTIONED; AND TO IMPOWER THE COMMISSIONERS APPOINTED BY AN ACT OF THE GENERAL ASSEMBLY TO LAY OUT A ROAD FROM THE CORNER OF CAPT. JOHNSON'S PLANTATION FENCE TO STEAD'S CREEK, INSTEAD THEREOF TO MAKE AND KEEP IN REPAIR A ROAD FROM STEAD'S CREEK TO THE PLANTATION OF JEREMIAH KNOTT. No. 732.

WHEREAS, an Act of the General Assembly, passed the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty-seven, entitled "An Act for vesting the ferry over South Edisto river, known by the name of Parker's Ferry, in Jane Parker, widow, and her assigns, for the term of seven years," is now near expiring; to the end, therefore, that the said ferry, which is very convenient for transporting travellers to and from all parts of the southward, may continue to be duly attended, we humbly pray your most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Assembly of this Province, and by the authority of the same, That from and immediately after the expiration of the said Act, the said ferry over South Edisto river shall be, and is hereby, vested in Jane Grainge, heretofore Jane Parker, widow, and relict of John Parker, deceased, her executors, administrators and assigns, for and during the term of seven years, and from thence to the end of the next session of the General Assembly, to the only proper use and uses hereinafter mentioned, that is to say: one third part of the profits of the said ferry to the use of the said Jane Grainge, her executors, administrators and assigns, and the rest and residue of the said profits to the only proper use and behoof of the children of the said Jane, by her said late husband the said John Parker; and that it shall and may be lawful to and for the said Jane Grainge, her executors, administrators and assigns, during all that term, to demand, have, receive and take, to the uses aforesaid, of and from all and all manner of person and persons passing and re-passing at the said ferry, the several rates and sums following, that is to say: for every single person ferried over at the said ferry, one penny half penny; for a man and horse, three pence; for a chaise and horse, or cart and horse, one shilling; for a coach or charriot and pair, one shilling and six pence; for a coach or charriot and four, three shillings; for every head of neat cattle ferried or swam, one penny; for every head of hogs, sheep or calves, ferried or swam, one penny, proclamation money, or the value thereof, in the current and lawful money of this Province.

Parker's ferry vested in Jane Grainge.

Conditions.

II. *And be it further enacted* by the authority aforesaid, That the said Jane Grainge, her executors, administrators or assigns, shall be, and they are hereby, obliged and required, at the proportional costs and charges of the several persons in whom the profits of the said ferry are vested by this Act, during all the time aforesaid, to find, provide and keep, a good, large, sound; tight and sufficient ferry-boat or boats, with a stage or entering

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board, for the convenience of horses passing in and out, for transporting men, horses, cattle, coaches, chariots and chaises, over the said ferry; and shall also find and provide two able and sufficient persons to row in the boat, with one white man, who shall constantly attend the said ferry, as well by night as by day, to ferry over all passengers, their servants, slaves, horses and carriages, when and as often as there shall be occasion.

Penalty for neglect.

III. *And be it further enacted* by the authority aforesaid, That in case any person or persons coming to the said ferry, in order to pass over the same, shall meet with unreasonable delays, or be retarded in their passage over the said ferry, she, the said Jane Grainge, her executors, administrators and assigns, shall forfeit and pay, for every such offence, to the person and persons so delayed, for the first hour, the sum of eight shillings, and for every hour after, the sum of four shillings, proclamation money, or the value thereof in current money, to be recovered before any of his Majesty's justices of the peace for Colleton county, in the same way and manner as is directed for recovery of debts by the Act for the trial of small and mean causes. *Provided*, that such person and persons so delayed shall make his, her or their complaint, and prosecute the same to effect, within ten days after such delays shall happen, and at no time after. And for the convenience and shelter of persons coming to the said ferry, from the inclemency of the weather, the said Jane Grainge, her executors, administrators and assigns, shall be obliged to build and keep in repair, during all the said term, a shed sufficient to shelter travellers from rain and the sun, twenty feet long and twelve feet wide, on the east side of the said ferry.

Who may pass the ferry free.

IV. *And be it further enacted* by the authority aforesaid, That the Governor of this Province for the time being, all ministers of the gospel, and all persons going to and from places of divine worship, and all persons going to and from musters of the militia, and all persons in times of alarm, and all expresses or messengers sent in the service of the government, be, and they are hereby, exempted from paying any ferriage at the said ferry for passing and re-passing the same, by themselves, their servants and horses; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

Ferry-boats to be provided in six months.

V. *And be it further enacted* by the authority aforesaid, That the said Jane Grainge, her executors, administrators and assigns, shall be, and they are hereby, obliged to provide the said ferry boat or boats in good and sufficient order, within six months next after the said ferry shall come into the hands and possession of the said Jane Grainge, by virtue of this Act, under the penalty of forfeiting the sum of twenty pounds, proclamation money, to be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no privilege, protection or wager of law, shall be admitted or allowed; which said forfeitures shall be applied, the one half to his Majesty, for the use of the parish of St. Bartholomew, and the other half to him or them that will inform or sue for the same. *Provided, always*, that such suit shall be commenced within six months after such forfeiture incurred, and at no time after.

VI. *Whereas*, by an Act of the General Assembly, passed the third day of July, one thousand seven hundred and forty-one, entitled "An Act to appoint commissioners to lay out a road from the corner of Capt. Johnson's plantation fence, north-westward to Stead's creek, and from thence westward, so as may best suit the lands lying on Edisto river, and to empower the said commissioners to continue the said road to the line of Orangeburg

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township, or to lay out any by-road or roads into the said road," it is enacted that the commissioners thereafter named be impowered and required to lay out, make and keep in repair, a road to lead from the corner of Capt. Thomas Johnson's plantation fence, north-westward to Stead's creek, and from thence westward, so as may best suit the lands lying on Edisto river: and *whereas*, by an humble petition from the said commissioners to the General Assembly, it appears that a road may be laid out much shorter, and also more useful and convenient for the inhabitants: *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for the said commissioners, and they are hereby empowered and required, instead of the said road intended to be made from Captain Johnson's plantation fence to Stead's creek, to alter, lay out, make and keep in repair, a road from Stead's creek to the plantation of Jeremiah Knott, and from thence to cross the Cypress Swamp, in the line between Mr. John Postell and Mr. Benjamin Waring, and to continue in the said line over the swamp, till it is intersected by a road which is cut open almost to the said line; any law, usage or custom to the contrary thereof in any wise notwithstanding. And the persons who were obliged by the above recited Act to make and keep in repair the said road to lead from the corner of Capt. Thomas Johnson's plantation fence, shall be obliged to make and keep in repair the road by this Act directed to be made; and the commissioners appointed in pursuance of the directions of the said Act, shall have all the powers and authorities, for making and keeping in repair the road hereby directed to be made, as are given in and by the said recited Act for making the other road and keeping the same in repair.

Act No. 691
amended.WM. BULL, jun., *Speaker.**In the Council Chamber, the 25th day of May, 1745.**Assented to:*

JAMES GLEN.

AN ACT FOR ESTABLISHING A FERRY OVER SAVANNA RIVER, AT THE No. 751.

GARRISON OF FORT MOORE, IN NEW WINDSOR, AND FOR VESTING THE SAME IN CORNELIUS COOK, FOR THE TERM OF SEVEN YEARS; AND FOR ESTABLISHING A FERRY OVER STONO RIVER, AT THE PLACE WHERE THE BRIDGE STANDS, AND FOR VESTING THE SAME IN MARGARET WILLIAMSON, WIDOW, HER EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM OF THREE YEARS.

WHEREAS, the establishing a ferry over the river Savanna, at Fort Moore, will be of great use and advantage to the inhabitants, and all other persons travelling in those parts—we therefore humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency James Glen, Esquire, Captain-General, Governor and Commander-in-chief in and over his Majesty's Province

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Ferry established over
Savanna, near
Fort Moore.

of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of the said Province, and by the authority of the same, That a ferry for passengers, horses and cattle, shall, from hence forth, be settled and established, from the usual landing place near the Garrison at Fort Moore, in New Windsor, to the place commonly called the Sand Bar, in Georgia, lying opposite to the said Garrison; and that the right, title, interest, profit, and advantage of the said ferry, shall be, and is hereby, vested and settled in Cornelius Cook; and the said Cornelius Cook is hereby authorized and empowered to take and receive to his own use, and to have and enjoy, all and singular the profits, perquisites and advantages whatsoever, to the said ferry belonging or in any wise appertaining, or by any means arising or accruing, or which shall arise or accrue by or from the same.

Conditions.

II. *And be it further enacted* by the authority aforesaid, That the said Cornelius Cook shall, and he is hereby required, at his own proper cost and charge, constantly to provide, and keep in good repair, a sufficient ferry boat or ferry boats, for carrying and transporting over the said river, passengers, horses, cattle and goods; and also, two able men, one of whom shall always be a white man, who shall constantly attend the said ferry, at all times of the day and night throughout the year, to transport and carry over all passengers, horses, cattle and goods, when and so often as they shall be required.

Toll.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said Cornelius Cook to demand, have, take and receive, to his own proper use, by way of toll, the several rates following, that is to say:—for a foot passenger, one shilling and six pence; for every horse, one shilling; for neat cattle, by the head, one shilling; for transporting goods, every hundred weight, one shilling; for hogs or sheep, by the head, six pence, in the current money of this Province; for which several rates and sums, the said Cornelius Cook, after demand and refusal of the same, may detain in his custody the goods of any person so refusing to pay the same, until satisfaction shall be made for the said rates and sums becoming due as aforesaid; and on such detainer, to apply to any of his Majesty's justices of the peace, who are hereby authorized and empowered, on such application, to issue a warrant of distress against the goods and chattels of such person, and to cause the said rates and sums to be levied by sale of the said goods, returning the overplus, if any, to the owner; *provided, always*, that all Indians and all persons in the public service, shall and may pass the said ferry gratis.

Penalty for
neglect.

IV. *And be it further enacted* by the authority aforesaid, That in case any passenger or other person who has occasion to pass over the said river at the places hereinbefore mentioned, shall meet with unreasonable delays, or be retarded for want of the said ferry boat or ferry boats, or the persons who are hereby appointed and required to attend them, the said Cornelius Cook shall forfeit and pay, for every such delay, to the party grieved, the sum of twenty shillings, and the further sum of twenty shillings for every hour afterwards that any such person shall be so delayed; which sum or sums shall and may be recovered, on oath made of such delay, by a warrant from any one justice of the peace, who, on complaint to him made, shall hear and determine the same according to the directions of the Act for trial of small and mean causes.

V. *And be it further enacted* by the authority aforesaid, That in case the said Cornelius Cook shall happen to die or remove from Savanna town

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before the expiration of the said seven years, then the Governor, Lieutenant-Governor, President or Commander-in-chief of this Province for the time being, shall, and he is hereby empowered to, nominate and appoint a fit and proper person to have the care and management of the said ferry for the remainder of the said term; and the person so to be nominated and appointed, shall have all the advantages, perquisites and profits, and shall be liable to the same penalties and forfeitures, as the said Cornelius Cook is.

Owner of ferry
dying or remo-
ving.

VI. *And whereas*, several of the inhabitants of the parish of St. Paul, and several of the inhabitants of John's Island and Wadmalaw Island, by their humble petitions to the General Assembly, have set forth that a bridge known by the name of Stono Bridge, leading from the said parish of Saint Paul to John's Island aforesaid, had been a burthensome expense to the said inhabitants of the parish of Saint Paul, and to the inhabitants of the parish of Saint John, in Colleton county, as the said bridge had been frequently battered down by large boats passing under the same; that the said bridge was so much gone to decay, that it had been impassable for a considerable time, and that the same could not be remedied without building a new one, the which would create so great an expense, that the petitioners were not able to defray the same; and humbly pray that a ferry might be established at or near the place where the said bridge stands. *Be it therefore enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established at the place where the said bridge now stands, for the convenience of all travellers passing and re-passing the same.

Ferry esta-
blished at Sto-
no Bridge.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners of the high roads, in whose division the said Stono Bridge stands, shall cause the same to be pulled down; and the said commissioners shall be, and they are hereby, fully authorized, empowered and required, within three months after the passing of this Act, to rate, assess and levy, on the several persons who were subject and liable to defray the expense of keeping the said bridge in repair, and at the same rate and proportion, so much money as will be sufficient for the building of a convenient boat for the use of the said ferry, and for the making a good and sufficient causeway and landing place on John's Island aforesaid.

Assessment,
for building
boat, &c.

VIII. *And be it further enacted* by the authority aforesaid, That the following rates shall be paid to the person in whom the said ferry is hereafter vested, by all persons passing the same, that is to say:—for every person, one shilling and three pence; for a horse, one shilling and three pence; for cattle, per head, ferried or swam, two shillings and six pence; for every chaise or chair and horse, or cart and horse, ten shillings.

Toll.

IX. *And be it further enacted* by the authority aforesaid, That the said ferry shall be vested in Margaret Williamson, widow, her executors, administrators and assigns, for and during the term of three years from the time of passing this Act, and from thence to the end of the next session of the General Assembly; *provided always, nevertheless, and be it further enacted* by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to hinder the said commissioners from building a new bridge at the place aforesaid, at the end and expiration of the said term of three years; any thing herein to the contrary notwithstanding.

Vested in M.
Williamson.

X. *And be it further enacted*, That the ferry boat herein directed to be built, shall be put in the possession of the said Margaret Williamson, for the

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use of the said ferry, and for no other use whatever, and by her shall be constantly kept in repair.

Conditions.

XI. *And be it further enacted* by the authority aforesaid, That the said Margaret Williamson, her executors, administrators and assigns, shall, during all the time aforesaid, find two able and sufficient persons to row in the said boat, who shall constantly attend the said ferry, as well by night as by day, to ferry over all passengers, when and as often as there shall be occasion; and in case any person or persons coming to the said ferry in order to pass over the same, shall meet with unreasonable delays, or be retarded in their passage over the said ferry, she, the said Margaret Williamson, her executors, administrators and assigns, shall forfeit and pay for every such delay, to the party grieved, the sum of twenty shillings, and the further sum of twenty shillings, for every hour after, that such person shall be delayed; to be recovered before any of his Majesty's justices of the peace for Colleton county, in the same way and manner as is directed for the recovery of debts by the Act for the trial of small and mean causes.

HENRY MIDDLETON, *Speaker.**In the Council Chamber, the 13th day of June, 1747.**Assented to:*

JAMES GLEN.

No. 757. AN ACT TO NOMINATE AND APPOINT COMMISSIONERS OF THE HIGHWAYS IN THE UPPER SETTLEMENTS ON PEDEE, WACCAMAW, AND BLACK RIVERS, WITH POWER TO ESTABLISH FERRIES AT SUCH CONVENIENT PLACES, WITHIN THE SEVERAL DISTRICTS THEREIN MENTIONED, AS THE MAJORITY OF THE COMMISSIONERS OF THE SAID RESPECTIVE DISTRICTS SHALL DIRECT; AND TO APPOINT HIGHWAY AND BRIDGE COMMISSIONERS FOR SAX GOTHA TOWNSHIP.

Preamble.

WHEREAS, the upper settlements on Pedee, Waccamaw, and Black rivers, are very extensive and remote from each other, by reason whereof it will be convenient to divide the same into several districts, under several sets of commissioners, to the end that the making and repairing of highways and causeys in those parts may be better attended to and performed; we therefore pray his most sacred Majesty that it may be enacted, and

Five districts established.

I. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the lands situate upon or near to Pedee, Waccamaw and Black rivers, shall be, and they are hereby, divided into the five several districts hereinafter described and ascertained; whereof the first shall contain all that neck of land lying between great Pedee and little Pedee rivers, from the mouth of little Pedee northward to Catfish

First district.

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Creek ; and Francis Breton, Isaac Secare, and John Jordan, shall be, and they are hereby appointed, commissioners of the highways for the said first district.

II. *And be it further enacted* by the authority aforesaid, That the second district shall contain all that part of the Parish of Prince George lying between little Pedee and Waccamaw rivers, from the upper thorough fare to the Province line, including the township of Kingston ; and that George Sterrat, Thomas Brown, and Jeremiah Varen, shall be, and they are hereby appointed, commissioners of the highways for the said second district. Second district.

III. *And be it further enacted* by the authority aforesaid, That the third district shall comprehend the settlements on the eastern side of great Pedee river, extending from the Province line, south-eastward to Catfish Creek ; and that William Colt, William James, Abraham Colson, Malachi Morphy, and Jacob Buckholts, shall be, and they are hereby appointed, commissioners of the highways for the said third district. Third district.

IV. *And be it further enacted* by the authority aforesaid, That the fourth district shall contain the lands situate on the south-west side of great Pedee river, from Lynch's Creek northwestward to the bounds of the Province ; and that James Gallispie, Francis Young, John Dexter, Samuel D'Sorreny, and Thomas Elleby, shall be, and they are hereby appointed, commissioners of the highways for the said fourth district. Fourth district.

V. *And be it further enacted* by the authority aforesaid, That the fifth district shall comprehend the township of Williamsburgh, and such part of the Parish of Prince Frederick as lies on Black river, extending from the said township to a place called Pine-tree Creek ; and that Roger Gibson, William Young, William Frierson, Isaac Brunson, John Liviston, Roger Gorden, Robert Wilson, John Jones, and John Allen, shall be, and they are hereby appointed, commissioners of the highways for the said fifth district. Fifth district.

VI. *And be it further enacted* by the authority aforesaid, That the several commissioners appointed by this Act shall have and exercise, within their respective districts, all and singular the powers and authorities which are given to and vested in the several commissioners of the highways, nominated and appointed in and by an Act of the General Assembly of his Province, made and passed the fifteenth day of September, one thousand seven hundred and twenty-one, entitled, " An Act to impower the several commissioners of the high-roads, private paths, bridges, creeks, causeys, and cleansing of water-passages, in this Province of South Carolina, to alter and lay out the same, for the more direct and better conveniency of the inhabitants thereof ;" and shall themselves be liable to, and authorized to inflict on others, the same penalties and forfeitures imposed and created by the Act aforesaid. Powers of commissioners.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners hereby appointed shall meet for the dispatch of business, at such place within their respective districts as the majority of them shall from time to time appoint for that purpose, at least twice in every year, to wit : on Easter Monday and the first Monday in August ; and the said commissioners shall have succession, in the same manner as is prescribed and directed in the aforesaid Act for the succession of the commissioners thereby appointed. When to meet.

VIII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said several boards of commissioners hereby appointed, to establish one or more ferries, at such place or places within their respective districts, as shall from time to time be agreed on for that

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may establish
ferries.

purpose by the major part of the commissioners for each district ; and they are hereby authorized and empowered to contract with any person or persons to attend and keep such ferry or ferries, at any rates or prices for the transportation of men, horses, cattle and carriages, not exceeding the rates and prices limited for the same services by any of the ferry Acts now in force in this Province ; and all and every person and persons who shall contract with the said commissioners to attend and keep such ferry or ferries as aforesaid, shall be subject to the same penalties and forfeitures for neglect and delays, as are contained in an Act of the General Assembly of this Province, entitled "An Act for vesting the ferry over Ashley river in Elizabeth Bellinger, Widow, her executors, administrators and assigns, for a term of years therein mentioned," made and passed the twenty-sixth day of March, one thousand seven hundred and forty-one ; *provided, always*, That the proprietors of the land where any such ferry shall be established, shall have the preference of keeping the same, if they shall think fit.

Road to the
Congrees.

IX. And *whereas*, it has been represented to the General Assembly, by petition in behalf of the inhabitants of Saxe-Gotha township, that there are no commissioners of high-roads appointed for the said township, whereby the highways in many places are become impassable. And *whereas*, the path leading from the uppermost limits of St. John's Parish (near Hearn's Bluff) to the Congrees, formerly opened at the public expence, for the benefit of the inhabitants of His Majesty's new settled townships in those parts, is now become in very bad repair, whereby carters, wagoners and other travellers meet with great interruption : for remedy whereof for the future, *Be it further enacted* by the authority aforesaid, That the said road or path shall be hereafter kept in repair, and altered or straitened, as the commissioners hereinafter named shall from time to time find it necessary ; and which commissioners shall make and continue the said path to the uppermost limits of Saxe-Gotha, otherwise called the Congree township.

Who to work
on it.

X. *And be it further enacted* by the authority aforesaid, That the labour on the said path shall be divided as follows, to wit : That part thereof from the uppermost limits of St. John's Parish, to the uppermost limits of Amelia township, shall be made and done by the inhabitants of Amelia township, and by all the settlers lying between that path and Santee river, from the lower part of Amelia township to the limits of St. John's Parish aforesaid ; and all the settlers lying between the said path and Four-hole Swamp, down to and upon a branch commonly called Providence (those within the limits of Orangeburgh township only excepted) shall also work upon the same.

XI. *And be it further enacted* by the authority aforesaid, That that part of the said path from the uppermost part of Amelia township, to the uppermost part of Saxe-Gotha township, shall be done and performed by the inhabitants of Saxe-Gotha township, and by those persons lying between Saxe-Gotha and Amelia, together with any other person that shall or may settle between that path and the north-west branch of Edisto river.

Commissioners

XII. *And be it further enacted* by the authority aforesaid, That Stephen Crell and George Haig, Esqrs., Mr. Daniel Schyder, Herman Geiger, Philip Raiford, Jacob Remansperger, Moses Thompson, William Heatly, and Charles Russel, be, and they are hereby nominated and appointed, commissioners for the said high-road or path herein last before mentioned, and for building, repairing and keeping up the bridges and causeys thereon ; and they, and a majority of them, shall have the same powers and authorities, for making, amending and keeping in repair the said road and path, and

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all and singular the bridges and causeys thereon, as the commissioners of the high-roads in any other district in this Province have, by any laws of this Province.

XIII. *And be it further enacted* by the authority aforesaid, That this Act shall be in force for and during the term or space of seven years, and from thence to the end of the next Session of the General Assembly, and no longer. Limitation.

HENRY MIDDLETON, *Speaker.*

In the Council Chamber, the 13th day of June, 1747.

Assented to:

JAMES GLEN.

AN ACT FOR ESTABLISHING A FERRY OVER COOPER RIVER, FROM THE PLANTATION OF HENRY GRAY, IN CHRIST CHURCH PARISH, TO CHARLESTOWN, AND FOR VESTING THE SAID FERRY IN THE SAID HENRY GRAY, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM OF SEVEN YEARS: AND FOR SETTLING THE RATES OF FERRIAGE AT THE FERRY ESTABLISHED OVER THE WESTERN BRANCH OF THE SAID COOPER RIVER, AT A PLACE COMMONLY CALLED THE STRAWBERRY, AND FOR VESTING THE SAID FERRY IN LYDIA BALL, HER EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM OF SEVEN YEARS: AND FOR BUILDING A BRIDGE OVER BLACK RIVER, AT OR NEAR THE PLACE CALLED THE KING'S TREE, IN THE PARISH OF PRINCE FREDERICK. No. 766.

WHEREAS, the establishing a ferry over Cooper river, from the plantation of Henry Gray, in the parish of Christ Church, to Charlestown, will be very convenient for travellers to and from the northern parts of this Province—we therefore humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of this Province, and by the authority of the same, That a ferry for passengers, horses, chaises and chairs, shall be, and is hereby, established over Cooper river, from the plantation of the said Henry Gray, late belonging to Peter Villepontoux, in Christ Church parish, to Charlestown; and that the right, title, interest, profits and advantage of the said ferry, shall be, and is hereby, vested in the said Henry Gray, his executors, administrators and assigns, for and during the term of seven years from the time of passing this Act; and the said Henry Gray, his executors, administrators and assigns, shall be, and he and they is and are hereby, fully authorized and impowered to take and receive, Ferry over Cooper river, at H. Gray's plantation.

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to his and their own proper use and behoof, and to have and enjoy, all and singular the profits, perquisites and advantages whatsoever, to the said ferry belonging, or in any wise appertaining, or by any means arising or accruing, or which shall arise or accrue, by or from the same.

Duty of ferry-man.

II. *And be it further enacted* by the authority aforesaid, That the said Henry Gray, his executors, administrators and assigns, shall be, and he and they is and are hereby, required, at his and their own proper cost and charge, constantly to provide and keep in good repair, a sufficient ferry boat or ferry boats, for carrying and transporting over the said river all passengers, horses, chaises and chairs, and also a sufficient number of men, of which one shall be a white man, who shall constantly attend the said ferry, at all times of the day and night throughout the year, to transport and carry over all passengers, horses, chaises and chairs, when and so often as thereunto required.

Toll.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said Henry Gray, his executors, administrators and assigns, to demand, take and receive, to his and their own proper use, by way of toll, the following rates, that is to say : for a foot passenger, two shillings, proclamation money ; if more than one, eighteen pence, proclamation money, apiece ; for man and horse, four shillings, proclamation money ; for a single horse, four shillings, proclamation money ; if more than two horses, three shillings for each ; for a chaise or chair, four shillings, like money ; for every head of grown cattle, four shillings, like money ; and if more than two head, three shillings, like money, for each. All which rates shall be paid, according to the value, in the current money of this Province.

Penalty for neglect.


IV. *And be it further enacted* by the authority aforesaid, That in case any person who hath occasion to pass over the said river shall meet with unreasonable delay at the said ferry, or be retarded for want of the said ferry boat or boats, or the persons hereby required to attend the same, the said Henry Gray, his executors, administrators or assigns, shall forfeit and pay the sum of eight shillings, proclamation money, or the value thereof in currency, for every such delay, to the party grieved, to be sued for and recovered as is directed by the Act for the trial of small and mean causes, and for repealing the several Acts now in force which relate to the recovery of small debts.

Toll at Strawberry ferry.

V. *And be it further enacted* by the authority aforesaid, That the following rates shall be paid to the person in whom the ferry over the western branch of Cooper river, commonly called the Strawberry Ferry, is hereafter vested, by all the persons passing the same, that is to say : for every foot passenger, three pence, proclamation money ; for every horse, three pence, like money ; for cattle, per head, ferried or swam, two pence, like money ; for every chaise or chair, one shilling, like money ; for every cart, one shilling, like money ; which rates may be paid according to the value in the currency of this Province.

Vested in Lydia Ball.

VI. *And be it further enacted* by the authority aforesaid, That the said ferry shall be, and is hereby, vested in Lydia Ball, her executors, administrators and assigns, for and during the term of seven years from the time of passing this Act ; and the said Lydia Ball, her executors, administrators and assigns, shall, during the said term, find, provide and keep, a good, large, sound, tight and sufficient ferry-boat or boats, with a stage or entering-board for the convenience of horses passing in and out, for transporting men, horses, cattle, chaises, chairs and carts, over the said ferry ; and shall

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also find and provide two able and sufficient persons to row in the boat, who shall constantly attend the said ferry, as well by night as by day, to ferry over all persons, their servants, slaves, horses and carriages, when and as often as there shall be occasion.

VII. *And be it further enacted* by the authority aforesaid, That in case any person shall meet with unreasonably delay, or be retarded in their passage over the said Strawberry ferry, the said Lydia Ball, her executors, administrators and assigns, shall forfeit and pay for every such offence, to the person so delayed, for the first hour, the sum of eight shillings, proclamation money, and for every hour after, the sum of four shillings, like money, to be recovered before any of his Majesty's justices of the peace for Berkley county, according to the directions of the Act above mentioned. Penalty for, neglect.

VIII. *And be it further enacted* by the authority aforesaid, That all persons going to and from places of divine worship, and to and from muster of the militia, and all persons in time of alarm, be, and they are hereby, exempted from paying any ferriage at the said Strawberry ferry. Who may pass free.

IX. *And whereas*, it is necessary, for the ease of passengers and travellers, and for the more safe and better communication to the northern parts of this Province, to build a bridge over Black river, in the township of Williamsburgh: *Be it further enacted* by the authority aforesaid, That the commissioners hereinafter named and appointed by this Act, shall cause to be built and erected, a good substantial bridge over Black river, in the township of Williamsburgh, in Prince Frederick's parish, at or near the place called the King's-Tree. Bridge at Kings-Tree.

X. *And be it further enacted* by the authority aforesaid, That the said bridge shall be built and erected at the cost, charges and expence of the inhabitants and owners of slaves in the parish of Prince Frederick aforesaid, to be levied on all the male inhabitants of the said parish, from the age of sixteen to sixty; and the commissioners hereinafter named are hereby authorized and empowered and required to make an assessment on all and singular the male inhabitants of the said parish of Prince Frederick, from the age of sixteen years to the age of sixty, for and towards defraying the charge and expence of building and erecting the said bridge. How to be paid for.

XI. *And be it further enacted* by the authority aforesaid, That the said commissioners, or the major part of them, shall have, use and exercise the same powers and authorities, in building and erecting the said bridge, and in making the assessment for defraying the charge and expence thereof, as the several commissioners of the high-roads or public paths have in this Province, by virtue of any Act or Acts of the General Assembly. Powers of commissioners.

XII. *And be it further enacted* by the authority aforesaid, That Nathaniel Drew, John Allen, William Young, John Liviston, William Frierson, William Nelson, and William James, be, and they are hereby appointed, commissioners for building the said bridge over Black river, and for putting in force and executing every matter and thing thereunto belonging. Commissioners

WM. BULL, Jr. *Speaker.**In the Council Chamber, the 29th day of June, 1748.**Assented to:*

JAMES GLEN.

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No. 774. AN ACT FOR VESTING THE FERRY ESTABLISHED OVER STONO RIVER, AT THE PLACE WHERE THE BRIDGE STOOD, IN THOMAS ROSE AND FRANCIS ROSE, THEIR EXECUTORS, ADMINISTRATORS AND ASSIGNS, IN TRUST FOR THE USE OF THE CHILDREN OF HENRY WILLIAMSON, DECEASED, FOR THE TERM OF SEVEN YEARS; AND FOR SUSPENDING THE POWER OF THE COMMISSIONERS FOR BUILDING A BRIDGE AT THE SAID PLACE, DURING THE SAID TERM; AND FOR ASCERTAINING THE BOUNDARIES OF THE DISTRICT LIABLE TO WORK ON THE CUT COMMONLY CALLED NEW TOWN CUT; AND FOR APPOINTING COMMISSIONERS TO BUILD A BRIDGE OVER COOSAWHATCHIE CREEK, LYING BETWEEN THE PARISHES OF SAINT HELENA AND PRINCE WILLIAM, AND FOR KEEPING THE SAME IN REPAIR.

Preamble. WHEREAS, that part of an Act of the General Assembly, passed in the twentieth year of his present Majesty's reign, entitled "An Act for establishing a ferry over Savanna river, at the Garrison of Fort Moore, in New Windsor, and for vesting the same in Cornelius Cook for the term of seven years; and for establishing a ferry over Stono river, at the place where the bridge stands, and for vesting the same in Margaret Williamson, widow, her executors, administrators and assigns, for the term of three years," which relates to the said ferry and bridge over Stono river, is near expiring, whereby the commissioners for the said bridge would have power to build a new bridge over the said river, which would be very burthensome to the inhabitants thereabouts, liable to be assessed for defraying the charge thereof. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Ferry over
Stono vested in
T. & F. Rose,
trustees.

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That the ferry over Stono river, at the place where the bridge stood, shall be, and is hereby, vested in Thomas Rose and Francis Rose, their executors, administrators and assigns, in trust and for the use of the children of Henry Williamson, deceased, from the thirteenth day of June next ensuing, for and during and unto the full end and term of seven years, fully to be complete and ended.

Toll.

II. *And be it further enacted* by the authority aforesaid, That the following rates shall be paid to the said Thomas Rose and Francis Rose, their executors, administrators and assigns, for the use aforesaid, by all the persons passing the same, that is to say:—for every person, one shilling and three pence; for a horse, one shilling and three pence; for cattle, per head, ferried or swam, two shillings and six pence; for every chaise or chair and horse, or cart and horse, ten shillings; *provided, always*, that nothing herein contained shall extend or be construed to extend to oblige any person to the payment of the said rates, who shall be going to a general muster of the militia, or in times of alarm.

Ferry boat.

III. *And be it further enacted* by the authority aforesaid, That the ferry boat which was built at the expense of the inhabitants of the parishes of Saint Paul and Saint John, in Colleton county, pursuant to the directions of the above recited Act, shall be put in the possession of the said

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Thomas Rose and Francis Rose, for the use of the said ferry, but for no other use, intent, or purpose whatever; and the said Thomas Rose and Francis Rose, their executors, administrators and assigns, shall constantly keep the said boat in repair, as well as the landing places leading to the said ferry, during all the said term.

IV. *And be it further enacted* by the authority aforesaid, That the said Thomas Rose and Francis Rose, their executors, administrators and assigns, shall, during all the time aforesaid, at the expense of the said trust, find two able and sufficient persons to row in the said boat, who shall constantly attend the said ferry, as well by night as by day, to ferry over all passengers, when and as often as there shall be occasion; and in case any person or persons going to the said ferry in order to pass over the same, shall meet with unreasonable delay, or be retarded in their passage over the said ferry, they, the said Thomas Rose and Francis Rose, their executors, administrators and assigns, shall forfeit and pay for every such delay, to the party grieved, the sum of twenty shillings, current money, and the further sum of twenty shillings, like money, for every hour after that such person shall be delayed; to be recovered before any justice of the peace for Colleton county, in the same way and manner as is directed for the recovery of debts by the Act for the trial of small and mean causes; *provided*, that complaint thereof be made within ten days after such delay shall happen, and not otherwise.

V. *And be it further enacted* by the authority aforesaid, That the power of the commissioners for building a bridge over Stono river, at the place where the old bridge stood, shall be, and is hereby, suspended for and during the said term of seven years; any thing in the said recited Act, or any other law, to the contrary thereof in any wise notwithstanding.

VI. *And whereas*, disputes have arisen concerning the boundaries of the district liable to work on the cut commonly called Newtown Cut. *Be it therefore further enacted* by the authority aforesaid, That the commissioners for cleansing and enlarging the passage commonly called Newtown Cut, shall have power, and they are hereby fully authorized and empowered, to oblige all the male persons, from the age of sixteen to sixty years, living and residing on James Island, and also, all the male persons living on the southernmost end of John's Island, excepting those living on the south side of Bohicket creek, from the house of Captain John Raven, inclusive, to the plantation, late belonging to Captain John Ladson, deceased, lying near Bohicket creek, inclusive; and from the said plantation, late of the said John Ladson, to the plantation of Mr. Samuel Jones, on the head of Keyawak river, and the Island of the said Samuel Jones, inclusive; and likewise, the inhabitants of Keyawak Island, and the inhabitants on Coles's Island, on the north-east side of Stono river, which is hereby declared to be the boundary of the district liable to work on the said Newtown Cut.

VII. *And whereas*, the inhabitants living on the Indian Land on the south-west side of Port Royal river, by their petition to the General Assembly, have prayed that a bridge might be built over Coosawhatchie creek, at the place where the high road leading from Georgia and Purysburgh to Charlestown crosseth the said creek. *Be it therefore enacted* by the authority aforesaid, That with all convenient speed, after the passing of this Act, a bridge shall be built over Coosawhatchie creek, at the place where the high road leading from Georgia and Purysburgh to Charlestown crosses the said creek; which bridge shall be made and kept in repair, at the equal

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their powers.

charge and labor of all the male persons, from the age of sixteen years to sixty years, living and residing in the parish of Prince William, and in that part of the parish of Saint Helena which is situate on the Indian Land.

VIII. *And be it further enacted* by the authority aforesaid, That Colonel Hugh Bryan, Captain Daniel Heyward, and Mr. Henry DeSaussure, shall be, and they are hereby, appointed commissioners for building the said bridge; and they, the said commissioners, or a majority of them, shall have power, and they are hereby empowered, to agree with any workmen, for the work and for materials for the said bridge, and shall build the said bridge of such dimensions, and with such timber, as they shall think fit; and they are also hereby empowered to make use of any timber that lies convenient to be made use of about the said bridge, paying such rates for the same as shall be adjudged by two indifferent people.

IX. *And be it further enacted* by the authority aforesaid, That the said commissioners, or the major part of them, shall have power, and they are hereby fully authorized and empowered, to assess all the male inhabitants and male slaves, from sixteen to sixty years of age, within the said parish of Prince William, and that part of the said parish of Saint Helena which is situate on the Indian Land as aforesaid, in order to raise a sum of money sufficient to complete and finish the said bridge; and they are hereby declared to be invested with the same powers and authorities, for raising, assessing and levying, so much money as will build the said bridge, and for keeping the same, from time to time, in repair, as the commissioners of the highways have, by virtue of an Act of the General Assembly of this Province, entitled "An Act to empower the several commissioners of the high roads, private paths, bridges, creeks, causeys, and cleansing of water passages, in this Province of South Carolina, to alter and lay out the same, for the more direct and better conveniency of the inhabitants thereof," passed the fifteenth day of September, in the year of our Lord one thousand seven hundred and twenty-one.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 31st of May, 1750.

Assented to :

JAMES GLEN.

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A. D. 1750.

AN ACT FOR ESTABLISHING A FERRY OVER SANTEE RIVER, IN THE No. 776.

PARISH OF SAINT JAMES SANTEE, FROM THE PLANTATION COMMONLY CALLED COURAGE'S PLANTATION, ON THE NORTH SIDE OF THE SAID RIVER, TO THE PLACE COMMONLY CALLED JONATHAN SKRINE'S, ON THE SOUTH SIDE OF THE SAID RIVER, AND FOR VESTING THE SAID FERRY IN ALEXANDER DUPONT, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM OF SEVEN YEARS; AND FOR APPOINTING COMMISSIONERS FOR THE PUBLIC ROAD LEADING FROM THE PLANTATION, LATE OF WILLIAM WATSON, DECEASED, IN CHRIST CHURCH PARISH, COMMONLY CALLED HABCAW, TO THE HIGH ROAD LEADING TO CHURCH IN THE SAID PARISH.

WHEREAS, many of the inhabitants of the parishes of Prince George, Prince Frederick, and Saint James Santee, by their humble petition to the General Assembly, have set forth that Alexander Dupont had for a long time had the keeping of the ferry from the plantation commonly called Courage's plantation, on the north side of Santee river, to the place commonly called Jonathan Skrine's, on the south side of the said river; which ferry had been always well attended and kept by the said Alexander Dupont, who had also taken care to keep a good and orderly house of entertainment for the benefit of travellers, to the general satisfaction of the petitioners; and that there was no law at this time in being, whereby the said ferry was become a legal established ferry; and therefore humbly praying that an Act may be passed for establishing the said ferry, and for vesting the same in the said Alexander Dupont, his executors, administrators and assigns, for such term, and under such regulations, as to the General Assembly should seem meet. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the ferry over Santee river, from the plantation commonly called Courage's plantation, on the north side of the said river, to the place commonly called Jonathan Skrine's, on the south side of the said river, kept by Alexander Dupont, shall be, and is hereby declared and established, a public ferry, and shall be, and is hereby, vested in the said Alexander Dupont, his executors, administrators and assigns, from the time of passing this Act, for and during the term of seven years.

Ferry established over Santee, and vested in A. Dupont.

II. *And be it further enacted* by the authority aforesaid, That the said Alexander Dupont, his executors, administrators or assigns, shall provide and keep at the said ferry, during the time aforesaid, one good and sufficient boat, with at least two able men, one of which shall be a white man, fit for transporting of passengers, horses and cattle.

Conditions.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Alexander Dupont, his executors, administrators and assigns, during the said term of seven years, to demand, have, receive and take, to his and their own proper use, of and from all and all manner of person and persons passing and re-passing in the said ferry boat, the several rates and sums following, that is to say:—for a man and horse, if taken in the swamp, two shillings and six pence; if taken in

Tol.

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at the trumpet landing, five shillings; and if taken in up the lake, ten shillings; and half as much of the above rates for a foot passenger; and for neat cattle, per head, if swam, one shilling, current money; for a chaise or chair and horse, or cart and horse, if taken in the swamp, seven shillings and six pence; if taken in at the trumpet landing, ten shillings; and if taken in up the lake, twenty shillings, current money.

Penalty for
neglect.

IV. *And be it further enacted* by the authority aforesaid, That in case any person or persons coming to the said ferry in order to pass over the same, shall meet with unreasonable delays, or be retarded in their passage over the said ferry, he, the said Alexander Dupont, his executors, administrators and assigns, shall forfeit and pay for every such offence, to the person and persons as shall be so delayed, for the first hour, the sum of twenty shillings, and for every hour after, the sum of forty shillings, current money; to be recovered before any of his Majesty's justices of the peace for the county, in the same manner as debts are recoverable by the Act for the trial of small and mean causes; *provided, always*, that such person and persons so delayed shall make his, her or their complaint, and prosecute the same to effect, within ten days after such delay shall happen, and at no time after.

Who may pass
the ferry free.

V. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this Province for the time being, all ministers of the Gospel, and all persons going to and from musters of the militia, and all persons in times of alarm, and all expresses or messengers sent in the service of the Government, and free Indians, be, and they are hereby, exempted from paying any ferriage at the said ferry, for passing and re-passing the same, by themselves, their servants and horses; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

Commissioners
appointed.

VI. *And whereas*, the majority of the commissioners who were appointed for making and keeping in repair a public road, from the plantation, late of William Watson, deceased, in Christ Church Parish, commonly called Habcaw, to the public road in the said parish leading to Church, are dead, by reason whereof the said road hath been neglected. *Be it therefore enacted* by the authority aforesaid, That George Padden Bond, Richard Tookerman, and Clement Lampriere, be, and they are hereby appointed, commissioners for the said road; and in case of the decease, absence, or refusing to act, of any of the said commissioners hereby nominated, the other of the said commissioners shall and may choose another person to be commissioner in the room of him so dying, refusing to act or being absent.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 31st day of May, 1750.

Assented to: JAMES GLEN.

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A. D. 1750.

AN ACT FOR VESTING THE FERRY OVER ASHLEY RIVER, IN EDMUND No. 778.

BELLINGER AND GEORGE BELLINGER, Esqrs. THEIR EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR SEVEN YEARS, IN TRUST FOR AND TO THE USE AND APPOINTMENT OF MRS. ELIZABETH ELLIOTT, WIFE OF THOMAS ELLIOTT, Esq.

WHEREAS, the law which heretofore vested the Ferry over Ashley river in Mrs. Elizabeth Bellinger, now Mrs. Elizabeth Elliott, wife of Thomas Elliott, Esq. has been some time expired; and *whereas* the said Mrs. Elliott hath, by her late petition to the General Assembly, set forth good reasons why the said ferry should be again established and vested, for a certain term of years, in trustees for her use and benefit: we therefore pray His most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it accordingly enacted*, by His Excellency James Glen, Esq., His Majesty's Governor, Captain-General and Commander in Chief, in and over this His Majesty's Province of South-Carolina, by and with the advice and consent of His Majesty's Honourable Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the ferry over Ashley river, commonly called Ashley ferry, leading from Charlestown to Stono and the southern parts of this Province, be, and the same is hereby declared to be, vested in Edmund Bellinger and George Bellinger, Esqrs., and the survivor, of them and the executors, administrators and assigns of such survivor, from the time of the passing of this Act, for and during and unto the full end and term of seven years, then next ensuing, and from thence to the end of the then next Session of the General Assembly of this Province: and that it shall and may be lawful to and for the said Edmund Bellinger and George Bellinger, and the survivor of them, and the executors, administrators and assigns of such survivor, during the said term, to receive and take, to and for the use and appointment of the said Elizabeth Elliott, whether married or unmarried, from all persons passing or repassing or making use of the said ferry, the several rates of ferriage and sums following, in proclamation money, or the value thereof in currency, viz: for every single person, the sum of one penny half penny; for every man and horse, the sum of three pence; for every chair, chaise and single horse, nine pence; for every four wheeled chair and chaise, or coach or charriot and pair of horses, one shilling and six pence; for a coach, charriot and four, two shillings; for a coach or charriot and six, two shillings and six pence: for every cart, the same ferriage as for a chair; for every wagon, the same ferriage as for a chariot and pair; for every head of neat cattle or horses ferried or swam over the said ferry, the sum of three pence; for every sheep or hog, the sum of one penny half penny. And the said Edmund Bellinger and George Bellinger, or the survivor of them, or the executors, administrators or assigns of such survivor, shall, and they are hereby required, at the expense of the said trust, to keep the causey leading through the marsh to the said ferry, in good and constant repair and condition, and at least always twelve feet wide at top, with a stand at the middle part of the said causey, at least eighteen feet wide and forty feet long, with a convenient stand also at the end of the said causey, near the river, so that no passengers, horses, cattle or carriages may be impeded in passing the same, for want of repair in the said causeys or stands during the said term: and shall also find and constantly keep a good substantial large ferry boat or boats, fit for transporting men, horses, cattle, coaches, carts and wagons over the said ferry; and shall

Ashley ferry
vested in E. &
G. Bellinger,
trustees.

Conditions.

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also find and constantly keep employed in the said boat, and in the ferrying hereof over the said river, one white man at least, besides two able and sufficient negroes, who shall constantly attend the said ferry, as well by night as by day, to ferry over all passengers, their horses, slaves and servants, when and as often as there shall be occasion.

II. *And be it further enacted* by the authority aforesaid, That the said Edmund Bellinger and George Bellinger, or the survivor of them, or the executors, administrators or assigns of such survivor, shall forfeit and pay, at the expence of the said trust, to any person or persons coming to the said river, in order to pass over at the said ferry, and who shall be delayed for want of the said ferry boat or of sufficient persons to row and manage the same, for every hour's delay, after the rate of eight shillings, proclamation money, or the value thereof in currency, to be recovered before any justice of the peace of Berkley county, as is provided by the Act for the trial of small and mean causes; *provided* such forfeiture be sued for within ten days after such delay shall happen, and at no time after.

III. *And be it further enacted* by the authority aforesaid, That the Governor of this Province for the time being, his servants, attendants, equipage and horses, and all ministers of the gospel; all persons on Sundays going to or returning from any place of divine worship; all persons going to or returning from muster, at any time appointed for muster of the militia or in time of alarm; and all expresses or messengers sent in the service of the Government; and also all free Indians, are hereby, also, exempted from paying any ferriage at the said ferry, for themselves, their servants or horses; any thing herein before contained to the contrary notwithstanding.

ANDREW RUTLEDGE, *Speaker.*

In the Council Chamber, the 31st day of May, 1750.

Assented to:

JAMES GLEN.

No 78L. AN ACT FOR APPOINTING COMMISSIONERS TO BUILD A NEW BRIDGE OVER PON PON RIVER, NEAR THE PLACE WHERE THE OLD BRIDGE STOOD, AND FOR MAKING CAUSEYS LEADING TO THE SAID BRIDGE; AND FOR APPOINTING COMMISSIONERS TO FINISH AND COMPLETE A ROAD ALREADY LAID OUT, FROM THE HORSE-SHOE ROAD TO POCOTALIQUO CAUSEY, IN THE PARISH OF ST. BARTHOLOMEW, AND TO KEEP THE SAID ROAD IN REPAIR; AND FOR APPOINTING COMMISSIONERS TO CUT A CREEK FROM ASHEPOO RIVER TO PON PON RIVER, AT THE UPPER END OF THE GOOSE MARSH, BETWEEN THE SAID RIVERS; AND ALSO, TO CUT ANOTHER CREEK THROUGH THE MARSH BETWEEN CHEHAW AND ASHEPOO RIVERS.

WHEREAS, the bridge that was formerly built over Pon Pon river, hath been destroyed by a flood or rising of the said river; and *whereas*, it

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hath been represented to the General Assembly, that there is a more convenient place for erecting a bridge over the said river, than that where the old bridge stood, being a better foundation, and much narrower; we therefore humbly pray his most sacred Majesty that it may be enacted, and

1. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's honourable Council, and the Assembly of this Province, and by the authority of the same, That the commissioners hereinafter named and appointed, shall cause to be built and erected a good and substantial bridge over Pon Pon river, about one hundred and forty-four feet on the East side, and about three hundred feet on the West side, from the place where the old bridge stood; any former law, usage or custom to the contrary thereof in any wise notwithstanding.

Bridge over
Pon Pon river.

II. *And be it further enacted* by the authority aforesaid, That the said bridge shall be built and erected at the cost, charges and expence of the inhabitants and owners of slaves in the two adjoining parishes, (that is to say) the one half of the expence to be levied on all male inhabitants, from the age of sixteen to sixty years, in the parish of St. Paul, and the other half to be levied on all male inhabitants as aforesaid, in the parish of St. Bartholomew, in Colleton county; and the commissioners hereinafter named, are hereby authorized, impowered, directed and required, to make an assessment on all and singular the male inhabitants from the age of sixteen years to the age of sixty, in the said parishes respectively, for and toward defraying the charge and expence of the building and erecting of the said bridge.

How to be paid
for.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any three of them, shall have, use and exercise the same powers and authorities in building and erecting of the said bridge, and in making the assessment for defraying the charge and expence thereof, and keeping the same in repair after it shall be built, as the several commissioners of high-roads or public paths have in this Province, by virtue of any Act or Acts of the General Assembly.

Power of com-
missioners.

IV. *And be it further enacted* by the authority aforesaid, That James Skirving, Isaac Hayne, James Postell, John Splatt, and Ezekiel Branford, be, and they are hereby appointed, commissioners for putting in force and executing such part of this Act as relates to the bridge over Pon Pon river.

Their names.

V. *And be it further enacted* by the authority aforesaid, That the commissioners for Pon Pon road shall be, and they are hereby, obliged and required to make a good and substantial causey, at the expence of the inhabitants and others interested in their district, leading from the said road to the East end of the said bridge; and the commissioners for the Horse-shoe road, and the commissioners for Ashepoo road, respectively, shall be, and they are hereby, obliged and required to make a good and substantial causey at the West end of the said bridge, and a road from thence along the bay or front of the town of Jacksonburgh, till the same intersects the road which leads to the old bridge, at the expence of the inhabitants and others interested in their respective districts.

Causeys to be
made.

VI. *And whereas*, several inhabitants in the district of the parish of St. Bartholomew, known by the name of Whitmarsh's neck, and other inhabitants of the said parish, by their humble petition to the General Assembly, have prayed that a public road may be made, from the Horse-shoe road

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Road from
Horse-shoe to
Pocotaliquo
causey.

to Pocotaliquo causey in the said parish. *Be it therefore enacted* by the authority aforesaid, That James Skirving, Robert Oswald, and James Postell, shall be, and they are hereby appointed, commissioners for finishing, completeing and keeping in repair, the road already laid out from the Horse-shoe road to Pocotaliquo causey, in the parish of St. Bartholomew; who shall have the same powers, privileges and authorities, for finishing and completeing of the said road, and keeping the same afterward in repair, and shall be subject and liable to the same penalties and forfeitures, as any other commissioners for the high-ways are invested with, or are subject and liable unto, by any Act of the General Assembly of this Province.

Who to work
on it.

VII. *And be it further enacted* by the authority aforesaid, That all the male inhabitants from the age of sixteen to sixty years, residing between Ashepoo and the Horse-shoe roads, so far on the Ashepoo road as Pocotaliquo causey, and so far on the Horse-shoe road as the Horse-shoe bridge, shall be, and they are hereby, obliged and required to finish and complete the said road, and to keep the same in repair; and in case of neglect or refusal to do the same, the said inhabitants shall be subject and liable to the same fines and forfeitures, as any persons, by Act of the General Assembly for making roads in this Province, are made subject and liable unto; and the said inhabitants shall not, at any time after the passing of this Act, be subject or liable to work on any other high-road whatever, except the road and causey on Jacksonburg bay, leading to the west end of Pon Pon bridge, for working whereon the said inhabitants of Whitmarsh's neck shall still be liable; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Creeks to be
cut between
Ashepoo, Pon
Pon, and Che-
haw rivers.

VIII. *And whereas*, commissioners were appointed for the cutting of a creek from Ashepoo river to Pon Pon river, at the upper end of the Goose marsh, between the said rivers, in and by an Act of the General Assembly, entitled "An additional and explanatory Act to an Act entitled an Act to empower the several commissioners of the high-roads, private paths, bridges, creeks, causeys and cleansing of water passages, in this Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof," passed the third day of July, in the fifteenth year of his present Majesty's reign, which hath hitherto been neglected to be performed, and which cut when made, and also another cut, from Chehaw river to Ashepoo river, will make the water passage to Charlestown much shorter and safer to persons making use of the said rivers: *Be it therefore further enacted* by the authority aforesaid, That Henry Hyrne, David Godin, James Skirving, James Postell, and Thomas Hutchinson, be, and they are hereby appointed to be, commissioners for cutting, cleansing and keeping in repair the said creeks out of Ashepoo river into Pon Pon river, and out of Chehaw river into Ashepoo river, at such places through the marshes between the said rivers, as they shall judge to be most convenient, and as near as may be from Ashepoo river to Pon Pon river, and from Chehaw river to Ashepoo river, and to such a depth and breadth as they shall think necessary; *Provided*, that the same do not exceed twenty feet in breadth and six feet in depth; and all the male persons from the age of sixteen to sixty years, residing on or making use of or that shall make use of any landing on the said Ashepoo river, or any branches thereof, (Bennett's Point, Cochran's Island, and Maggot's Island, exclusive) and Chehaw river or any branches thereof, shall personally work in cutting, cleansing, and keeping in repair, the said cuts or creeks, if the said commissioners shall be of opinion that such personal

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work will be the most expeditious method of cutting the said creeks; otherwise the said commissioners, or any three or more of them, shall have power, and they are hereby fully authorized and impowered, to agree with any proper person or persons to undertake the cutting, cleansing, and repairing of the said creeks, as they shall see meet, and assess such sum or sums of money as they shall so agree for on the said male inhabitants residing as aforesaid; and the said commissioners, or any three of them, shall have as full and ample power and authority, for compelling the said inhabitants to work on the said creeks, or for levying the assessment to be by them made, to all intents and purposes whatever, as are given to any commissioners for highways, bridges, or water passages, by any Act or Acts of the General Assembly of this Province.

IX. *And be it further enacted* by the authority aforesaid, That the said commissioners shall finish and complete the said creeks, on or before the first day of November, one thousand seven hundred and fifty-two, under pain or forfeiting the sum of two hundred pounds each, to be levied and recovered by bill, plaint or information, in any Court of record in this Province, wherein no privilege, protection, or wager of law, shall be allowed or admitted, nor any more than one imparlance; one moiety thereof to his Majesty, to be disposed of as by the General Assembly shall be directed, and the other moiety to him or them who will inform and sue for the same.

When to be completed.

X. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall be sued or prosecuted, for any matter or thing by him or them done, in pursuance of the directions of this Act, it shall and may be lawful to and for such person and persons to plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff or plaintiffs in any such action or suit shall suffer a discontinuance, become nonsuit, or a verdict or judgment shall pass against him or them, the defendant or defendants shall be allowed his and their treble costs of suit.

General issue may be pleaded.

XI. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners appointed by this Act shall happen to die, depart this province, or refuse to act, it shall and may be lawful to and for the rest of the commissioners respectively, or a majority of them, to choose and appoint another person or persons to be commissioner or commissioners in the room of him or them so dying, refusing to act, or departing this Province; and such person or persons so chosen and appointed, shall have the same powers and authorities for putting this Act in execution, and shall be subject and liable to the same penalties and forfeitures as the commissioners herein named.

Vacancies.

ANDREW RUTLEDGE, *Speaker.**In the Council Chamber, the 24th April, 1751.**Assented to:*

JAMES GLEN.

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Acts relating to Roads, Bridges and Ferries.

No. 792. AN ACT FOR ESTABLISHING A FERRY FROM THE PLANTATION OF COL. SAMUEL PRIOLEAU, CALLED PATTERSON'S POINT, ON PORT ROYAL ISLAND, TO THE LAND, LATE OF THOMAS INNES, DECEASED, ON THE INDIAN LAND, AND FOR VESTING THE SAID FERRY IN THE SAID COL. SAMUEL PRIOLEAU, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS; FOR THE TERM OF TEN YEARS; AND FOR ESTABLISHING ONE OTHER FERRY FROM THE SAID LAND, LATE OF THE SAID THOMAS INNES, DECEASED, TO THE SAID PLANTATION OF THE SAID COLONEL SAMUEL PRIOLEAU, AND FOR VESTING THE SAME IN JOHN GREEN, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE LIKE TERM.

Preamble.

WHEREAS, a ferry from the plantation of Colonel Samuel Prioleau, on Port Royal Island, to the Indian Land, and a ferry from the Indian Land to the said plantation, would be very convenient to the inhabitants who reside in the south parts of this Province, and to others travelling in those parts. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Ferries established to and from Patterson's Point.

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-Chief and Captain-General in and over this his Majesty's Province of South Carolina, with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, and by the authority of the same, That a public ferry be, and is hereby, established at the plantation of Col. Samuel Prioleau, called Patterson's Point, from thence to the land, late of Thomas Innes, deceased, on the Indian Land; which said ferry shall be, and is hereby, vested in the said Colonel Samuel Prioleau, his executors, administrators and assigns, for and during the term of ten years; and that one other public ferry shall be, and is hereby, established at the land, late of the said Thomas Innes, deceased, upon the Indian Land, from thence to the said plantation of the said Colonel Samuel Prioleau, called Patterson's Point; which said last mentioned ferry shall be, and is hereby, vested in John Green, his executors, administrators and assigns, for and during the said term of ten years.

Toll.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Col. Sam'l. Prioleau and John Green, respectively, and for their several and respective executors, administrators and assigns, to take and receive, for the ferrying over persons, their horses or cattle, at the said ferries, respectively, the following rates or prices, and no more, that is to say:—for any single horse, the sum of five shillings; for any two or more, the sum of three shillings and nine pence, each; for a man and horse, the sum of seven shillings and six pence; for a horse and chair, or horse and cart, fifteen shillings; for sheep, hogs or calves, per head, the sum of two shillings; and for neat cattle, per head, the sum of ten shillings, in the current money of this Province.

Duty of ferry-men.

III. *And be it further enacted* by the authority aforesaid, That the said Colonel Samuel Prioleau, his executors, administrators and assigns, shall, always, during the said term of ten years, keep and maintain a good and sufficient ferry boat, capable of carrying two men and two horses, at least; and two able servants or slaves, to attend the ferry hereby vested in him, as well by night as by day, for the transporting all persons, their servants, horses and cattle, over the said ferry; and that the said John Green, his executors, administrators and assigns, shall, in like manner, during the said

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term, keep and maintain one other good and sufficient ferry boat, capable of carrying two men and two horses, at least, and two able servants or slaves, to attend the ferry hereby vested in him, as well by night as by day, as aforesaid.

IV. *And be it further enacted* by the authority aforesaid, That in case any person or persons tendering the ferriage, shall be delayed at either of the ferries hereby established, for want of the attendance hereby enjoined and required, the person in possession of the ferry where such delay shall happen, shall forfeit and pay to the party grieved, the sum of twenty shillings, current money, for the first hour such party shall be delayed after such tender, and the further sum of forty shillings, like money, for every hour after; to be recovered by warrant of distress, under the hand and seal of any justice of the peace of the county where the offence shall be committed, and sale of the offender's goods; *provided*, that complaint thereof be made by the person so delayed, within ten days after such delay, and not afterwards.

V. *And be it further enacted* by the authority aforesaid; That the Governor or Commander-in-chief of this Province for the time being, all ministers of the Gospel, and all persons going to and from general musters of the militia, and all persons in times of alarm, and all expresses or messengers sent in the service of this Government, and free Indians, be, and they are hereby, exempted from paying any ferriage at the said ferries for passing and re-passing the same, by themselves, their servants and horses; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

ANDREW RUTLEDGE, *Speaker.**In the Council Chamber, the 24th April, 1751.**Assented to:*

JAMES GLEN:

AN ACT FOR AMENDING AN ACT ENTITLED "AN ADDITIONAL AND EXPLANATORY ACT TO AN ACT ENTITLED AN ACT TO IMPOWER THE SEVERAL COMMISSIONERS OF THE HIGH-ROADS, PRIVATE PATHS, BRIDGES, CREEKS, CAUSEYS, AND CLEANSING OF WATER-PASSAGES, IN THIS PROVINCE OF SOUTH CAROLINA, TO ALTER AND LAY OUT THE SAME, FOR THE MORE DIRECT AND BETTER CONVENIENCE OF THE INHABITANTS THEREOF." No. 788.

WHEREAS, by an Act entitled "An additional and explanatory Act to an Act entitled an Act to empower the several commissioners of the high-roads, private paths, bridges, creeks, causeys, and cleansing of water-passages, in this Province of South Carolina, to alter and lay out the same, for the more direct and better convenience of the inhabitants thereof," it

Preamble.

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is, among other things therein contained, enacted that Mr. Joseph Wilkinson, Col. John Bee, and Mr. James Stobo, be commissioners for cutting, clearing and cleansing New Cut ; and that Mr. Joseph Ceely, Mr. William Adams, and Archibald Calder, Esq., be commissioners for cutting, clearing and cleansing Watt's Cut ; and that Mr. John Stanyarne, Mr. Isaac Waite, and Mr. Thomas Tatnall, be commissioners for cutting, clearing and cleansing Wappoo Creek. And *whereas*, by reason of the death of the greater part of the said commissioners, and for want of the districts (wherein the persons liable to work in cutting, clearing and cleansing the said cuts and creeks, respectively,) being duly ascertained, the said cuts and creeks have, for several years past, been neglected, to the great detriment of those planters who are obliged to send their produce through the said cuts and creek to market. For remedy whereof, we humbly pray his most sacred majesty that it may be enacted, and

Commissioners
appointed for
New Cut,
Watt's Cut,
and Wappoo
Creek.

I. *Be it enacted*, by his Excellency James Glen, Esq. Governor-in-chief, and Captain-General, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the House of Assembly of the said Province, and by the authority of the same, That Mr. Francis Wilkinson, Mr. James Stobo, Mr. Richard Cochran Ash, Mr. Hugh Wilson, and Mr. Alexander M'Gillivray, shall be, and they are hereby appointed, commissioners for cutting, clearing and cleansing New Cut ; and that all the male inhabitants, from the age of sixteen to sixty years, living and residing to the southward and westward of the said New Cut, to Gibbon's, alias Bennet's Point, and the inhabitants between Ashpoo and Pon Pon rivers, inclusive, making use of any landing leading through the said New Cut, except those who are by law excepted, and also except those named in the district hereinafter mentioned, shall work on the said New Cut. And that Mr. William Eddings, Mr. William Adams, Mr. David Adams, Mr. Ralph Bailey, and Mr. Charles Odingsell, shall be, and they are hereby appointed, commissioners for cutting, clearing and cleansing Watts's Cut ; and that all the male inhabitants, from the age of sixteen to sixty years, living and residing from the plantation of Capt. Wm. Eddings to the plantations of William Adams and Joshua Grimbail, inclusive, south-westerly, and of Jehossey Island, shall work on the said Watts's Cut. And that Mr. Abraham Waite, Mr. Thomas Elliott, jr, Mr. Thos. Laws Elliott, Benjamin Elliott, and Mr. Alexander Hext, shall be, and they are hereby appointed, commissioners for cutting, clearing and cleansing Wappoo Creek ; and that all the male inhabitants, from the age of sixteen to sixty years, making use of any landing on the north side of Stono river, lying above the said creek leading into the said river ; as also all such male persons residing on John's Island ; as also all such male persons making use of any landing on the north-west side of Wappoo creek, except those who by law are excepted, shall work on the said creek ; any former law, usage or custom to the contrary thereof in any wise notwithstanding.

Their powers.

II. *And be it further enacted* by the authority aforesaid, That the commissioners hereby nominated, respectively, or a majority of them, shall have the same powers and authority, for cutting, clearing and cleansing the said cuts and creek, respectively, and shall be subject and liable to the like penalties and forfeitures for neglect thereof, as the commissioners nominated and appointed for those purposes by the said in part recited Act are invested with or made subject and liable unto.

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III. And *whereas*, the bridge over the said Wappo creek is not of sufficient height for boats to pass conveniently under the same; *Be it therefore further enacted* by the authority aforesaid, That the commissioners hereby appointed for the said Wappoo Creek shall be, and they are hereby, obliged, enjoined and required, within six months from the time of passing this Act, at the expense of the persons hereby made liable to work on the said Wappoo creek, to raise the said bridge to the height of ten feet from the surface of the water at high-tide, or to make a draw-bridge, at the election of the said commissioners, or a majority of them, under pain of each and every of the said commissioners forfeiting the sum of fifty pounds, proclamation money; one half to his Majesty, to be applied by the General Assembly for the use of the public, and the other half to him or them who will inform and sue for the same, by action of debt, bill, plaint or information, in any court of record in this Province, wherein no privilege, protection or wager of law, shall be allowed or admitted, nor any more than one imparlance.

IV. *And be it further enacted* by the authority aforesaid, That Mr. Andrew Townsend, Mr. Cato Ash, and Mr. Richard Jenkins, shall be, and they are hereby appointed, commissioners for the high-roads upon Edisto Island. And in case of the death, absence, or refusal to act, of any of the commissioners hereby nominated for the said cuts, creeks or roads, respectively, it shall and may be lawful to and for the other commissioners, respectively, to choose and appoint another person to be commissioner in the room of him so dying, absent or refusing to act; and the person so chosen and appointed shall have the same powers and authority for putting this Act in execution, and shall be subject and liable to the same penalties and forfeitures, as any of the commissioners hereinbefore named.

V. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and as such shall be given in evidence before all courts in this Province, without pleading the same; and shall continue in force for and during the term of seven years, and from thence to the end of the next session of the General Assembly, and no longer.

ANDREW RUTLEDGE, *Speaker*.*In the Council Chamber, the 17th day of May, 1751.**Assented to:*

JAMES GLEN.

A.D. 1753.

Acts relating to Roads, Bridges and Ferries.

No. 814. AN ACT TO EXEMPT THE INHABITANTS OF THE LOWER DISTRICT OF THE PARISH OF ST. JAMES SANTEE, IN CRAVEN COUNTY, FROM WORKING ON OR CONTRIBUTING TOWARD ANY REPAIRS TO BE MADE TO THE ROAD OR CAUSEY LEADING OVER LYNCH'S ISLAND.

WHEREAS, the inhabitants of the lower district of the parish of St. James Santee, were, by an Act of the General Assembly, made liable to work on and contribute to the making and keeping in repair a road or causey over Lynch's Island, which road or causey being without the limits of the said parish, the obliging the said inhabitants to work thereon is contrary to the method hitherto observed in this Province, in cases of the like nature. We therefore humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That the inhabitants of the lower district of the parish of St. James Santee shall be, and they are hereby declared to be, at all times after contributing their share to a tax now to be levied for repairs of said causey, exempted from working on or contributing toward the repairing of the road or causey over Lynche's Island; any thing contained in any Act or Acts of the General Assembly of this Province, to the contrary thereof in any wise notwithstanding.

JAMES MICHIE, *Speaker.*

In the Council Chamber, the 21st day of April, 1753.

Assented to:

JAMES GLEN.

No. 815. AN ACT FOR APPOINTING COMMISSIONERS TO BUILD A BRIDGE OVER THE POND IN THE FOUR HOLES SWAMP, COMMONLY CALLED GIBBES'S POND, AND TO LAY OUT, MAKE AND KEEP IN REPAIR, A ROAD TO AND FROM THE SAID BRIDGE, AS CONVENIENT AS MAY BE, INTO THE ORANGEBURG OLD ROAD, FROM THE HEAD OF THE PATH LEADING FROM DORCHESTER TO IZARD'S COW-PEN.

Preamble. WHEREAS, the building a bridge over the Pond in the Four Holes Swamp, commonly called Gibbes's Pond, and the making a road to and from the said bridge, into the Orangeburg old road, from the head of the path leading from Dorchester to Izard's Cow-pen, will be very convenient for the inhabitants of the township of Orangeburg and the parts adjacent thereto—we therefore humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief

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and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That the persons hereinafter nominated and appointed as commissioners for putting this Act in execution, shall have power and authority, and they are hereby fully authorized and empowered, to make a bridge over the pond in the Four Holes Swamp, commonly called Gibbes's Pond, in such manner and with such materials as they, or a majority of them, shall judge most expedient and beneficial to the said inhabitants; and also to lay out and make a road leading over the said bridge, from the head of the path leading from Dorchester to Izard's Cow-pen, as convenient as may be, into the Orangeburg old road, and from time to time, as occasion may require, to keep the said bridge and road in repair.

Bridge to be
made over
Gibbes's Pond.

Road.

II. *And be it further enacted* by the authority aforesaid, That the said bridge and road shall be made and kept in repair at the expense or by the labor of the male inhabitants, from the age of sixteen to sixty years, living and residing within two miles of the said road, from the west side of the Cypress Swamp to the Four Holes Swamp, and of the south side of the said road as far as Edisto river, and of the north side of the said road as far as the Four Holes Swamp, from the said Four Holes Swamp to Orangeburg township; and of all the male inhabitants of the age above mentioned, living in the said township. And in case any of the persons obliged by this Act to make the said bridge and road, and keep the same in repair, shall neglect or refuse to do the same, they shall be subject and liable to the like fines and forfeitures as any persons by Act of the General Assembly for making bridges or roads in this Province are made subject and liable unto. *Provided, always, nevertheless, and be it further enacted* by the authority aforesaid, That the persons obliged by this Act to make the said bridge and road, and to keep the same in repair, shall not be liable to work on any other public road; any law, usage or custom, to the contrary thereof in any wise notwithstanding.

Who to work
on them.

III. *And be it further enacted* by the authority aforesaid, That the said inhabitants shall be summoned to work upon such part of the said road as shall lie nearest and most convenient to their respective habitations or places of residence.

IV. *And be it further enacted* by the authority aforesaid, That Lewis Linder, William Sanders, Abraham Dupont, Capt. James Tilley, and Michael Christopher Rowe, shall be, and they are hereby nominated and appointed, commissioners for putting this Act in execution; and the said commissioners, or a majority of them, shall have the same powers and authorities, for putting this Act in execution, as are given by law to any commissioners for bridges or high-roads in this Province, and shall be subject and liable to the like penalties and forfeitures for neglecting the said bridge and road, as other commissioners for bridges and roads are made subject and liable unto, by the laws of this Province. And in case any of the said commissioners shall happen to die, depart this Province, or refuse to Act, it shall and may be lawful to and for any three or more of the remaining commissioners to nominate and appoint another person or persons to be commissioner or commissioners in the room of him or them so dying, refusing to act or departing this Province; and the person or persons so to be nominated and appointed, shall have the same powers and authorities for putting this

Commissioners
and their powers.

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Act in execution, and be subject to the same penalties and forfeitures for neglect thereof, as the persons herein named.

May plead general issue.

V. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or any of them, or any other person or persons, shall be sued or prosecuted for any thing by them done, or to be done, in pursuance of the directions of this Act, it shall and may be lawful for him or them, so sued or prosecuted, to plead the general issue, and to give the special matter and this Act in evidence; and if the plaintiff or plaintiffs in any such action or suit shall suffer a discontinuance, become non-suit, or a verdict shall pass against him or them, the defendant or defendants shall be allowed his or their double costs of suit.

JAMES MICHIE, *Speaker.*

In the Council Chamber, the 21st day of April, 1753.

Assented to :

JAMES GLEN.

No. 821. AN ACT FOR BUILDING A DRAW BRIDGE ACROSS ASHLEY RIVER, IN THE PARISH OF SAINT ANDREW, FROM SOME PLACE AT OR NEAR STONEY POINT, ON THE EAST SIDE, TO THE MARSH OPPOSITE TO THE SAID POINT, ON THE WEST SIDE OF THE SAID RIVER; AND FOR MAKING A CAUSEY UPON THE SAID MARSH, LEADING TO THE SAID BRIDGE; AND FOR MAKING A ROAD TO THE SAID BRIDGE AND CAUSEY; AND FOR VESTING THE SAID BRIDGE, WHEN BUILT, IN SUCH PERSON AND PERSONS, HIS AND THEIR HEIRS AND ASSIGNS, FOR EVER, AS SHALL BE AT THE EXPENSE OF BUILDING THE SAID BRIDGE AND MAKING THE SAID CAUSEYS, AND KEEPING THE SAME AT ALL TIMES HEREAFTER IN REPAIR.

Preamble.

WHEREAS, travellers are frequently delayed in passing Ashley river, at the place commonly called Ashley Fery, in the parish of Saint Andrew, occasioned by high winds and the great strength of the current; and *whereas*, great benefit would arise to the inhabitants of the southern parts of this Province, and to the public in general, if a bridge were built across the said river, at or near Stoney Point, on the east side, to the marsh opposite to the said point, on the west side of the said river; but as the said river is much broader and deeper than any river in this Province over which any bridge is erected, it would not only be imposing an unequal and grievous burthen on the inhabitants of the said parish to oblige them to make such bridge, in the manner which public bridges have hitherto been used to be made in this Province, but would likewise be prejudicial to the navigation of the said river; and *whereas*, private persons may be induced to build a Draw Bridge across the said river, at or near the place aforesaid, and make a causey leading to the same, and keep such bridge and causey in repair, in prospect of the gain which will accrue to themselves and their heirs, from the pontage or toll hereinafter appointed to be paid for passing

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the said bridge. We therefore humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Assembly of the said Province, now met in General Assembly, and by the authority of the same, That in case any person or persons shall be willing to undertake or contribute toward the building of a Draw Bridge, and making a causey, at the place hereinafter mentioned, and shall contract and agree with the commissioners hereinafter appointed for that purpose, it shall and may be lawful to and for such person or persons, his or their heirs and assigns, and he or they are hereby authorized and empowered, at his or their own proper cost and charges, by himself or themselves, his or their deputies, agents, officers, workmen, servants and others, to build a Draw Bridge across Ashley river, in the parish of Saint Andrew, at or near the place called Stoney Point, on the east side, to the marsh opposite to the said point, on the west side of the said river, and to make a causey on the said marsh, from the said bridge to the land of the late Mr. William Cattell, on the southwest side of the said river, in the said parish; and that for the purposes aforesaid, he and they shall have full power and authority, by himself or themselves, his or their servants, agents, workmen and others, to remove any obstructions in the said river, and to dig up and take away any marsh-mud, sand, or other impediment, and to deepen or widen the said river at the place aforesaid; and also, to dig and cut the banks of the same, in such manner as shall be necessary and proper for the building and making the said bridge and causey, and preserving the navigation of the said river; and from time to time, and at all times hereafter, to do all other matters and things necessary and convenient for erecting and maintaining the said bridge and causey, and preserving the said navigation and the improvement thereof; the said person or persons, his or their heirs and assigns, doing as little damage as may be, to the owners, proprietors, and occupiers of, and persons interested in, any lands that may be damaged or prejudiced by, for or upon account of erecting and maintaining the said bridge or causey.

II. *And be it further enacted* by the authority aforesaid, That the said person or persons, his or their heirs and assigns, shall have power and authority, and he or they are hereby fully empowered and authorized, to build the said bridge and make the said causey, with such materials as they shall think fit; *provided*, that the said bridge be not less than eight feet in beighth, in the centre of the same, above the waters at high water mark, and twenty feet wide, and railed in on each side with good and substantial rails, or otherwise raised and secured, so as to prevent any mischief being done in passing the said bridge; and that the Draw Bridge be thirty feet long, and made in the deepest part of the channel of the said river for the convenience of the navigation; and that the said causey be not less than sixteen feet wide at the top or surface, and one foot higher than the high water at spring tides.

III. *And be it further enacted* by the authority aforesaid, That for and in consideration of the great charges that the said person or persons, their heirs or assigns, shall sustain in erecting and making the said bridge and causey, and repairing and supporting the same, the said bridge, when built, shall be, and is hereby, vested in the said person or persons, his or their heirs and assigns for ever; and it shall and may be lawful to and for

Draw bridge
over Ashley
river.

Dimensions.

Vested in the
builder.

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Toll.

the proprietor or proprietors of the said bridge for the time being, from time to time, and at all times hereafter, to ask, demand, receive, recover, and take, to and for his and their own proper use and behoof; in respect to his and their charges aforesaid, for pontage, or in the name of a toll or duty, before any passage over the said bridge shall be permitted, except as hereinafter is provided, the several sums following, in proclamation money, or the value thereof in other money current in this Province, that is to say:—for every coach, charriot, landau, berlin, chaise, chair, calash, or other vehicle, drawn by six or more horses, the sum of three shillings, proclamation money; for every coach, charriot, landau, berlin, chaise, chair, calash, or other vehicle, drawn by four horses, the sum of two shillings and six pence, like money; for every coach, charriot, landau, berlin, chaise, chair, calash, or other vehicle, with four wheels, drawn by less than four horses, and more than one, the sum of two shillings, like money; for every chaise or chair, drawn by two horses, and not having four wheels, the sum of one shilling and six pence, like money; for every chair or chaise, and single horse, one shilling, like money; for every wagon, drawn by four horses or oxen, the sum of two shillings, like money; for every cart, one shilling, like money; for every horse, mule or ass, laden or unladen, and not drawing, three pence, like money; for every foot passenger whatsoever, two pence, like money; for every man and horse, four pence, like money; for every drove of oxen or neat cattle, the sum of three pence, per head, like money; for every drove of calves, hogs, sheep or lambs, the sum of one penny half penny, per head, like money; which said respective sums of money shall be demanded and taken in the name of pontage, or as a toll or duty; and the monies to be received as aforesaid, are hereby vested in the proprietor or proprietors of the said bridge for the time being, his and their heirs and assigns for ever, and the same and every part thereof shall be paid to him or them accordingly; and such proprietor or proprietors, his and their heirs and assigns, is and are hereby authorized, by himself and themselves, or by any person or persons appointed by him or them, to levy the toll or duty hereby made payable, upon any person or persons who shall, after demand thereof made, neglect or refuse to pay the same as aforesaid; and the proprietor or proprietors of the said bridge for the time being, shall and may deny and refuse to permit any passage over the said bridge until payment thereof; which said tolls and duties shall and may be levied by distress and sale, either of any horse, cattle or other thing, upon or in respect of which such toll shall be payable, or upon any other of the goods and chattels of such person or persons as ought to pay the same; and shall and may detain such distress, for any time not exceeding the space of five days; and then, if the tolls and duties for which such distress shall be so made, together with the charges attending the distraining and keeping the same, shall not be fully satisfied and paid, shall and may sell the same, rendering the overplus, if any be, after deduction of the charges of distraining, keeping and selling such goods.

IV. *And be it further enacted* by the authority aforesaid, That every person who shall have contributed toward defraying the charges of erecting the said bridge and making the said causey; his heirs and assigns, shall be entitled to have and receive such part or share of the monies accruing by the said tolls or duties for passing the said bridge, as shall be equal to the sum or sums he contributed, in proportion to the whole charge of erecting the said bridge and making the said causey.

V. *And whereas*, it may happen that the said bridge may, in times to come, receive such damage by storms or other unforeseen accidents, that

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the passage thereof may, for some time, become dangerous or impracticable. *Be it enacted* by the authority aforesaid, That in all such cases, it shall and may be lawful for the proprietor or proprietors of the said bridge, ^{In case of damage to the bridge.} for the time being, from time to time, as often as occasion shall require, to provide a proper and convenient ferry boat or boats to cross the said river, at such place as he or they shall judge to be most proper and convenient, and as near to the said bridge as conveniently may be, and there to take for passage over the said river, by such ferry or ferries, such rates and duties as are granted by this Act for the toll or pontage aforesaid; *provided, always,* that such ferry or ferries shall not continue for any longer time than shall be necessary for repairing or rebuilding the said bridge, or longer than the passage over the same shall or may be dangerous or impracticable as aforesaid.

VI. And *provided also, and be it further enacted* by the authority aforesaid, That in case the proprietor or proprietors of the said bridge shall at any time hereafter neglect or refuse to rebuild or repair the said bridge and causey for the space of twelve months, he or they, and every of them, shall from thenceforth forfeit all his or their right, title, property and interest, of, in, or to, the said bridge, and the tolls and duties hereby granted to him or them for pontage or passage over the same, shall cease and determine; any thing herein contained to the contrary notwithstanding. And *provided also,* that in case the said bridge shall at any time hereafter be rebuilt, and at any time when the said bridge or causey shall be repaired, if any one or more of the said proprietors shall neglect or refuse to pay his or their proportionable part or parts of the expence thereof, for the space of three month after public notice given thereof at the said bridge, and in the public Gazette for three weeks, then every such proprietor and proprietors so neglecting or refusing, shall forfeit all his and their right, title, property and interest, of, in, and to, the said bridge, and the tolls and duties hereby granted for pontage or passage over the same, to the person or persons who were at the expence of rebuilding the said bridge, or repairing the said bridge or causey; any thing herein contained to the contrary notwithstanding. ^{Penalty for neglecting to repair it.}

VII. And that the parts or proportions of the profits, as well as the expences, of the proprietors of the said bridge may be the better ascertained, *Be it further enacted* by the authority aforesaid, That as soon as the said bridge and causey shall be finished, the commissioners hereinafter appointed, or any five or more of them, shall have power and authority, and they are hereby fully impowered, authorized, enjoined, and required, to give every person who shall contribute toward defraying the charge of building and making the said bridge and causey (or his or their executors or administrators, in case such person shall happen to be deceased,) an instrument in writing, under their hands and seals, to the following effect, (to wit,) ^{Shares of the proprietors to be ascertained.}

“ By
commissioners for the draw-bridge over Ashley river, at Stony-Point.

These are to certify, that A. B. having contributed the sum of
towards defraying the charges of erecting the said draw-bridge,
and making the causey leading to the same, is therefore entitled to one
part of the monies which will accrue by the tolls or duties granted
by law for passing the said bridge. To hold the said part of
the monies accruing by the said tolls or duties, to him the said A. B. his
heirs and assigns, forever; upon condition, that the said bridge and causey
are constantly kept in repair by the proprietors of the said bridge, and that

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he, the said A. B. his heirs and assigns, shall and do well and truly pay part of the charges of such repairs as shall, at any time or times hereafter, be made to the said bridge or causey, pursuant to the directions of the Act of the General Assembly in that case made and provided.

As witness our hands and seals, this day of

Certificates to
be recorded.

VIII. *And be it further enacted* by the authority aforesaid, That all and every the said instruments given by the said commissioners, shall be recorded in the Secretary's office of this Province; and in case any of the first proprietors, or their heirs, shall transfer or assign their right, title, property, or interest in or to the said bridge, or any part thereof, to any other persons, the deed or instrument of writing by which such transfer or assignment shall be made, or a memorial thereof, shall also be forthwith recorded in the said office, to the intent that it may at all times be known what persons are liable to keep the said bridge and causey in repair.

Roads to be
made to said
bridge.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners for the roads of the district or districts in the said parish of St. Andrew which lead to Ashley ferry, shall be, and they are hereby, obliged and required to lay out and make convenient roads leading to the said bridge and causey, from the present high-roads on each side of the river; and to have such roads completed as soon as the said bridge and causey shall be finished; and the inhabitants of the said district or districts shall be, and they are hereby, obliged, enjoined and required, to make the said roads, and to keep the same, from time to time, and at all times hereafter, in repair, in like manner as other high-roads are made and kept in repair by the laws of this Province; and shall be subject to the like penalties for neglect thereof, as the other inhabitants of this Province are subjected to, by the said laws, for neglecting or refusing to make or repair the high roads in their respective districts; and the commissioners for the roads in the said district or districts for the time being, shall be supervisors of the said bridge and causey, after the same shall be finished and completed, and shall take care that the said bridge and causey are constantly kept in repair, according to the directions and true intent and meaning of this Act.

Duty of own-
ers, as to atten-
dance, &c.

X. *And be it further enacted* by the authority aforesaid, That the proprietor or proprietors of the said bridge for the time being, shall be, and he or they is and are hereby, obliged and required, from time to time, and at all times hereafter, to keep a sufficient number of servants, one at least to be a white man, to attend constantly at the said bridge, as well by night as by day, that passage may be had over the said bridge, and that pettiaugas, boats or other vessels may pass through the draw-bridge as occasion may require. And in case any person or persons going to the said bridge in order to pass the same, either by him or themselves, or with any vehicle, carriage, or other thing, and tendering the toll or duty hereinbefore appointed for passing the said bridge, shall be wilfully retarded, the said proprietor or proprietors shall forfeit and pay to such person or persons, the sum of ten shillings, proclamation money, or the value thereof in other money current in this Province, for every quarter of an hour that he, she, or they shall be so retarded; and in case any pettiaugua, boat or other vessel, shall be wilfully detained at the said bridge, either in going up or coming down the river, for want of the draw-bridge being raised, the said proprietor or proprietors shall forfeit and pay, to the owner or owners of such pettiaugua,

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boat or other vessel, the sum of twenty shillings, proclamation money, or the value thereof in other money current in this Province, for every hour that such pettiaugua, boat or other vessel shall be so detained as aforesaid; which penalties and forfeitures shall and may be recovered in the same way and manner as is directed and appointed for the recovery of small debts, upon the oath of the party complaining, or any other credible witness, made before any one of his Majesty's justices of the peace for Berkley county. *Provided*, that complaint thereof be made within ten days, but not after.

XI. *And be it further enacted* by the authority aforesaid, That the Governor or Commander in chief of this Province for the time being, and all ministers of the gospel, and all persons going to and from places of divine worship, and all persons going to and from musters of the militia, and all persons in times of alarm, and all expressers or messengers on his Majesty's service to or from this Government, and all free Indians, their servants, attendants, horses and carriages, be, and they are hereby, exempted from paying any toll or duty, for passing or repassing the said bridge; any thing herein contained notwithstanding. Who may pass free.

XII. *And for preventing* the wilful and malicious destroying or damaging the said bridge, or any part thereof, or interrupting the building of the same, *Be it enacted*, by the authority aforesaid, That if any person or persons shall wilfully and maliciously blow up, pull down, burn, or otherwise destroy the said bridge, or any part thereof, or attempt so to do, or in any wise direct or procure the same to be done, whereby the said bridge, or the works thereof, may be damaged, or the lives of passengers endangered, every such offender or offenders, being lawfully convicted thereof, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy. Penalty for injuring the bridge.

XIII. *And for preventing* any damages and mischiefs that may be done and committed, by any evil minded or disorderly persons, rowing, navigating, or managing pettiaugas, boats or other vessels, in or upon the said Ashley river, and to the end that the masters and owners of such pettiaugas, boats or vessels, may be more careful therein: *Be it further enacted* by the authority aforesaid, That every master and masters, owner and owners, of any pettiaugua, boat or other vessel, shall be, and is and are hereby, made answerable and responsible to make pecuniary satisfaction, for any wilful damage or mischief that shall be done, or for any wilful neglect or default, by his or their pettiaugua, boat or other vessel, or by any of the pettiaugua-men, boat-men, or crew, of or in such pettiaugua, boat or vessel, to the said bridge, or any part thereof; and the said master or masters, owner or owners, of every such pettiaugua, boat or vessel, shall and may be sued for every such trespass and damage which shall be so done, in any court of record in this Province. Or for damaging it by boats.

XIV. *And be it enacted* by the authority aforesaid, That the said bridge shall not be rated or assessed for or towards the payment of any public or parochial tax whatsoever; nor shall the said bridge and causey, or any part thereof, or of either of them, be deemed to belong to or be within any parish, but shall be extra-parochial, to all intents and purposes whatsoever; and that the said bridge shall not be deemed a parish-bridge, so as to subject the inhabitants of the said parish of St. Andrew to the repairing or supporting the same or the causey aforesaid. The bridge exempted from taxation.

XV. *And be it further enacted* by the authority aforesaid, That the Honorable William Bull, Jr., William Wragg, and James Michie, Esqrs,

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appointed.

Thomas Smith, Benjamin Smith, William Brandford, John Miles, George Sommers, and John Drayton, Esqrs., or any five or more of them, shall be, and they are hereby, nominated and appointed commissioners for contracting and agreeing with such person or persons as shall be willing to undertake and contribute toward the building the said bridge and making the said causey, and for giving to such persons, after the said bridge and causey shall be finished, the instrument of writing hereinbefore directed; and in case any of the said commissioners shall happen to die, refuse to act, or depart this Province, before the matters hereby enjoined shall be carried into execution, it shall and may be lawful to and for the remaining commissioners, or any five of them, to nominate and appoint another person or persons to be commissioner or commissioners in the room of him or them, so dying, refusing to act, or departing this Province; and the person and persons so nominated and appointed, shall have the same powers and authorities, for carrying this Act into execution, to all intents, constructions and purposes whatsoever, as the commissioners have who are hereinbefore named.

Their powers.

General issue
may be plead-
ed, &c.

XVI. *And be it further enacted* by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done, or to be done, in pursuance of this Act, in every such case the action or suit shall be commenced within six months next after the fact committed, and the offender discovered, and not afterwards; and the defendant or defendants in such action or suit shall and may plead the general issue, not guilty, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to be done, or that such action or actions shall be brought after the time before limited for bringing the same, that then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become non-suited, or discontinue his, her, or their action or suit, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs, and shall have such remedy for the same as any defendant or defendants hath or have, for cost of suit in any other cases by law.

Public Act.

XVII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

JAMES MICHIE, *Speaker.**In the Council Chamber, the 8th day of May, 1754.**Assented to:*

JAMES GLEN.

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AN ACT APPOINTING COMMISSIONERS FOR REPAIRING AND KEEPING IN REPAIR THE BRIDGE OVER COMBEE RIVER, FROM THE CAUSEY TO THE TOWN OF RADNOR; AND COMMISSIONERS FOR RE-BUILDING AND KEEPING IN REPAIR THE BRIDGE OVER WAPPOO CREEK, IN THE PARISH OF ST. ANDREW; AND DECLARING THE SAID BRIDGE, AND HOOPER'S BRIDGE, IN THE SAID PARISH OF ST. ANDREW, TO BE PARISH BRIDGES, AND APPOINTING COMMISSIONERS FOR THE SAID BRIDGE.

Preamble.

WHEREAS, by an Act appointing commissioners for building a bridge over Combee river, no powers were therein given to the said commissioners to repair the said bridge. And *whereas*, most of the persons who were appointed commissioners for building the said bridge over Combee river, from the causey to the town of Radnor, by an Act of the General Assembly of this Province, made the eighth day of March, in the year of our Lord one thousand seven hundred and forty-two, are dead or removed from that part of the county, whereby the said bridge has been neglected and gone to decay, so that it is become dangerous to pass over the same:—we therefore humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That Daniel Wilshuyesen and Stephen Bull, Esq'srs., William Simmons, Thomas Hutchinson, and Joseph Ladson, or a majority of them, shall be, and they are hereby appointed, commissioners for repairing and keeping in repair the said bridge over Combee river; and they, the said commissioners, are hereby impowered and authorized, obliged, enjoined and required, within six months from the time of passing this Act, at the expense of the persons who were made liable to defray the charges of building the said bridge by the Act above mentioned, to repair the said bridge, under pain of each and every of the said commissioners forfeiting the sum of fifty pounds, proclamation money; one moiety whereof to the use of his Majesty, to be applied by the General Assembly, and the other moiety to him or them who will inform and sue for the same, by action of debt, bill, plaint or information, in any court of record in this Province, wherein no essoign, privilege, protection or wager of law, shall be allowed or admitted, nor any more than one imparlance.

II. And *whereas*, the commissioners appointed by the above mentioned Act for building the said bridge over Combee river, under pretence of repairing the same, did gather and collect divers sums of money for that service, from several of the persons who were liable to contribute toward defraying the expense thereof, notwithstanding the said bridge has never been repaired; and if the said money cannot be recovered from the said commissioners, it would be laying too great a burthen upon such persons to oblige them to pay an equal proportion with the other persons liable to defray the expense, without their being re-imbursed what they have already paid. *Be it therefore further enacted* by the authority aforesaid, That the commissioners by this Act appointed, when they make the assessment of the charges for repairing the said bridge, shall add to the said charges all such sum and sums of money as shall be made appear to them to have been paid to the said former commissioners by any of the persons aforesaid, for repairing the

Expense, how to be assessed.

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said bridge, and shall levy and collect the same from all the persons hereby made liable to defray the said charges, and shall return to the said persons the several sums of money which they, respectively, had so paid for the purpose aforesaid to the said former commissioners; or the commissioners hereby appointed may discount with the said persons, out of the proportion which they are respectively to pay toward repairing the said bridge, the several sums which they had before paid, as aforesaid.

Former commissioners to refund.

III. *And be it further enacted* by the authority aforesaid, That the commissioners appointed by this Act for repairing the said bridge shall have full power and authority to levy and collect all such sum and sums of money from the said former commissioners, as shall be made appear to have been by them, or any of them, received from any of the said persons, under pretence of repairing the said bridge, as aforesaid.

Commissioners for Wappoo bridge.

IV. *And be it further enacted* by the authority aforesaid, That Daniel Pepper, Esq., Capt. Robert Rivers, and James Screvin, or any two of them, shall be, and they are hereby appointed, commissioners for rebuilding and keeping in repair the bridge over Wappoo Creek, in the parish of St. Andrew; and they, the said commissioners, are hereby impowered and authorized, obliged, enjoined and required, within six months from the time of passing this Act, at the expense of the persons hereinafter mentioned, to re-build the said bridge over Wappoo creek, and to raise the same to such height above the surface of the waters at high tide, as they shall judge convenient, but not less than ten feet, under pain of each and every of the said commissioners forfeiting the sum of fifty pounds, proclamation money, to be recovered and applied in the same manner as is above directed and appointed.

Who liable to repair it.

V. *And be it further enacted* by the authority aforesaid, That the said bridge over Wappoo Creek shall be re-built, and at all times hereafter kept in repair, at the expense of the inhabitants of the said parish of St. Andrew, by a tax or assessment upon all the male slaves from the ages of sixteen to sixty years, within the said parish; any thing contained in any other Act of the General Assembly of this Province, or any law, usage or custom, to the contrary thereof in any wise notwithstanding.

Hooper's Bridge declared a parish bridge.

VI. *And be it further enacted* by the authority aforesaid, That the bridge called Hooper's Bridge, near the Church in the said parish of St. Andrew, shall be, and is hereby declared to be, a parish bridge, and at all times hereafter shall be maintained and kept in repair in the same manner as other parish bridges in this Province are maintained and kept in repair; any law, usage or custom, to the contrary thereof in any wise notwithstanding. And that the board of high-road commissioners for the said parish, or a majority of them, shall be, and they are hereby appointed, commissioners for the said Hooper's Bridge; and they, the said commissioners, are hereby impowered, authorized, obliged and enjoined and required, within ten months from the time of passing this Act, at the expense of the persons liable to build and repair the same, under pain of each and every of the said commissioners forfeiting the sum of fifty pounds, proclamation money, to be recovered and applied in such manner as is above directed and appointed in relation to Combee and Wappoo bridges.

Powers of commissioners.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners, respectively, by this Act appointed, shall have as full and ample power and authority, to all intents and purposes whatsoever, for carrying the several matters hereinbefore directed into execution, and for assessing, levying and collecting the expenses that may attend the same, as

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any other commissioners for bridges or high-roads have, or are invested with, by any Act or Acts of the General Assembly of this Province.

VIII. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners for the said bridges, respectively, shall happen to die or depart this province, or refuse to act, it shall and may be lawful to and for the remaining commissioners to choose and appoint another person or persons to be commissioner or commissioners in the room of him or them so dying or departing this Province; and the person or persons so chosen and appointed shall have the same power and authority for carrying this Act into execution, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as the commissioners hereinbefore named. Vacancies.

IX. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and as such shall be given in evidence before all courts of record in this Province, without pleading the same. Public Act.

JAMES MICHIE, *Speaker.*

In the Council Chamber, the 11th day of May, 1754.

Assented to: JAMES GLEN.

AN ACT FOR VESTING THE FERRY OVER SAVANNA RIVER, AT THE No. 827.

GARRISON OF FORT MOORE, IN NEW WINDSOR, IN JOHN STEWART, OF NEW WINDSOR, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM THEREIN MENTIONED; AND FOR ESTABLISHING A FERRY OVER SANTEE RIVER, IN THE TOWNSHIP OF SAXE GOTHA, FROM THE LAND OF MARTIN FRIDIG, ON THE SOUTH SIDE, TO THE OPPOSITE LANDING, ON THE NORTH SIDE, OF THE SAID RIVER, AND FOR VESTING THE SAME IN THE SAID MARTIN FRIDIG, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM THEREIN MENTIONED.

WHEREAS, a ferry hath been established from the usual landing place, near the Garrison of Fort Moore, in New Windsor, to the place commonly called the Sand Bar, in Georgia, lying opposite to the said landing, and vested in Cornelius Cook for the term of seven years from the time of passing the Act made for that purpose; which Act will expire in June next ensuing. And *whereas*, John Stewart, of New Windsor, and several other persons, have, by their petition to the General Assembly, humbly prayed that a law may be passed for vesting the said ferry in the said John Stewart, who has purchased the land contiguous to the place where the said ferry is established, from the said Cornelius Cook. We therefore humbly pray his most sacred Majesty that it may be enacted, and Preamble.

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Assembly of the said Province, and by the authority of the same, That the ferry over Savanna river, from the usual landing place, near the Garrison of Fort Moore, in New Windsor, to the place commonly called the Sand Bar, in

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Ferry at Fort
Moore vested
in J. Stewart.

Georgia, be, and from and immediately after the twenty-fourth day of June, in the present year of our Lord one thousand seven hundred and fifty-four, shall be, vested in the said John Stewart, his executors, administrators and assigns, from the said twenty-fourth day of June, for and during and unto the full end and term of seven years, from thence next ensuing, fully to be complete and ended, and from thence to the end of the then next session of the General Assembly. And that it shall and may be lawful to and for the said John Stewart, his executors, administrators and assigns, during all that time, to demand, have, receive and take, to his and their own proper use, of and from all manner of person and persons passing and re-passing at the said ferry, except as hereinafter is excepted, the several rates and sums following, that is to say :—for a foot passenger, one shilling and six pence; for every horse, one shilling; for neat cattle, by the head, one shilling; for hogs or sheep, by the head, six pence; for transporting goods, every hundred pounds weight, one shilling, current money of this Province. For which several rates and sums, the said John Stewart, his executors, administrators and assigns, after demand and refusal of the same, may detain in his custody the goods or chattels of any person so refusing to pay ferriage, until satisfaction shall be made for the said rates and sums becoming due as aforesaid; and on such detainer, to apply to any of his Majesty's justices of the peace, who are hereby authorized and empowered, on such application, to issue a warrant of distress against the goods and chattels of such person, and to cause the said rates and sums to be levied by sale of the goods, returning the overplus, if any, to the owner. *Provided, always,* that all ministers of the Gospel, all persons going to and from divine service, and all Indians, and all persons on the public service, shall and may pass the said ferry gratis.

Toll.

Duty of owner
of said ferry.

II. *And be it further enacted* by the authority aforesaid, That the said John Stewart, his executors, administrators and assigns, shall be, and they are hereby, obliged and required, constantly to provide and keep in good repair, a sufficient ferry boat or boats, for carrying and transporting over the said river, passengers, horses, cattle and goods; and also, two able men, one of whom shall always be a white man, who shall constantly attend the said ferry, at all times of the day and night throughout the year, to transport and carry over all passengers, horses, cattle and goods, when and so often as they shall be required.

Penalty for
neglect.

III. *And be it further enacted* by the authority aforesaid, That in case any person who has occasion to pass over the said ferry shall meet with unreasonable delay, or be retarded for want of the said ferry boat or the persons who are hereby required to attend the said ferry, the said John Stewart, his executors, administrators or assigns, shall forfeit and pay, for every such delay, to the party grieved, the sum of twenty shillings, and the further sum of twenty shillings for every hour afterward that any person shall be so delayed. Which sum or sums shall and may be recovered, on oath made of such delay, by warrant, from any one justice of the peace, who, on complaint to him made, shall hear and determine the same according to the powers given him by law for trying small and mean causes.

IV. *And whereas,* the establishing a ferry over Santee river, in the Township of Saxe Gotha, from the land of Martin Fridig, on the south side, to the opposite landing, on the north side, of the said river, will be of great use and advantage to the inhabitants, and all other persons travelling in those parts. *Be it therefore further enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established for the transporting of

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passengers, horses and cattle over Santee river, from the land of Martin Fridig, in Saxe Gotha Township, on the south side, to the opposite landing, on the north side, of the said river. And that the right, title, interest, profit and advantage of the said ferry, shall be, and is hereby, vested and settled in the said Martin Fridig, his executors, administrators and assigns, for and during the term of seven years from the time of passing this Act, and from thence to the end of the next session of the General Assembly. And the said Martin Fridig, his executors, administrators and assigns, shall be, and he and they is and are hereby, authorized and empowered to take and receive, to his and their own use, and to have and enjoy, all and singular the profits and advantages whatsoever to the said ferry belonging or in any wise appertaining.

Ferry established over Santee, at M. Fridig's.

V. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful for the said Martin Fridig, his executors, administrators and assigns, to demand, have, take and receive, to his and their own proper use, the several rates following, that is to say:—for every single person ferried over at the said ferry, one shilling and three pence; for every horse, one shilling and three pence; for an empty cart, five shillings; for a loaded cart, ten shillings; for an empty wagon, seven shillings and six pence; for a loaded wagon, twenty shillings; for every head of neat cattle, ferried or swam, one shilling and three pence; for hogs, sheep or calves, by the head, six pence, in the current and lawful money of this Province. For recovery of which several rates and sums becoming due as aforesaid, from all persons passing and re-passing the said ferry, the said Martin Fridig, his executors, administrators and assigns, shall have like remedy as is hereinbefore given to the above named John Stewart, his executors, administrators and assigns, from the persons passing the ferry over Savanna river.—*Provided, also*, that all ministers of the Gospel, and persons going to and from divine service, and all Indians, and all persons on the public service, shall and may pass the said ferry over Santee river gratis.

Toll.

VI. *And be it further enacted* by the authority aforesaid, That the said Martin Fridig, his executors, administrators and assigns, shall be, and they are hereby, obliged and required, during the said term, constantly to provide and keep in good repair, a ferry boat or boats, for carrying and transporting over the said Santee river, all passengers, horses, cattle, carts, wagons and goods; and also, two able men, one of whom shall be a white man, who shall constantly attend the said ferry, as well by night as by day; and in case any person shall meet with unreasonable delay, the said Martin Fridig, his executors, administrators and assigns, shall forfeit and pay, to the party grieved, the like penalties as are hereinbefore imposed on the above named John Stewart, his executors, administrators and assigns; which penalties shall and may be sued for and recovered in the same manner as is above directed and appointed for recovery of the penalties from the said John Stewart, his executors, administrators and assigns.

Duty of owner of said ferry.

JAMES MICHIE, *Speaker.**In the Council Chamber, the 11th day of May, 1754.*

Assented to:
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JAMES GLEN.

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No. 832. AN ACT FOR LAYING OUT, MAKING, AND KEEPING IN REPAIR, A ROAD FROM PURYSBURGH TO BEE'S CREEK, IN GRANVILLE COUNTY; AND FOR DISCONTINUING SUCH PART OF THE PRESENT HIGH ROAD AS LEADS FROM DAY'S CREEK TO PURYSBURGH.

Preamble. WHEREAS, the commissioners for the high roads, and the rest of the inhabitants of the parish of Saint Peter, Purysburgh, have presented a petition to the General Assembly, setting forth that the high road laid out from Coosawhatchie to Purysburgh, by the way of Day's Creek, is incapable of ever being made good, or even passable, by reason of the frequent freshes and floods in the said creek, which carry away the bridge and causey, and have rendered all the work that hath hitherto been done on the said road ineffectual; and that if the said road could be made good, yet it would be a great many miles round about, and out of the way of the petitioners, and all others travelling to and from the southward; and therefore, praying that the said road may be discontinued, and another road laid out and made in the most convenient and direct way, from Purysburgh to Bee's creek, and thence to Coosawhatchie, as that part of the road already laid out runs, by which course the road will be shortened at least seventeen miles, and the ground being better, it will be much easier made and kept in repair.— We therefore humbly pray his most sacred Majesty that it may be enacted, and

Road from Purysburgh to the Bee's creek road. I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, now met in General Assembly, and by the authority of the same, That the commissioners for the high roads in the parish of Saint Peter, Purysburgh, or the majority of them, together with the commissioners hereinafter named, or a majority of them, shall have power and authority, and they are hereby fully empowered and authorized, to lay out a new road from the Parsonage House, in the Township of Purysburgh, or from such other place in the said township as they shall judge most proper, into the present road near Bee's creek.

Commissioners II. *And be it further enacted* by the authority aforesaid, That Abraham Dupont, Paul Porcher, and Drury Dunn, shall be, and they are hereby appointed, commissioners for such part of the said new road as shall be situate in the parish of Saint Helena.

Who to work on it. III. *And be it further enacted* by the authority aforesaid, That such part of the said new road so to be laid out, as shall be situate in the said parish of Saint Peter, Purysburgh, shall be made and kept in repair by the inhabitants of the said parish; and that such other part of the said road as shall be situate in the parish of Saint Helena, shall be made and kept in repair by the inhabitants residing on the west side of Euchaw swamp, including the several plantations of William Middleton and Henry Middleton, Esqu'rs, on the said swamp; and also, by the inhabitants residing to the westward of the said road, and all others living most contiguous thereto.

Power of commissioners. IV. *And be it further enacted* by the authority aforesaid, That the said commissioners for the high roads in the said parish of Saint Peter, Purysburgh, and the commissioners hereinbefore named for the high roads of that district in the parish of Saint Helena, wherein the new road is above directed to be laid out, made, and kept in repair, respectively, shall have all the powers and authorities for carrying this Act into execution, which

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are given to any other commissioners for high roads by any Act or Acts of the General Assembly of this Province, and shall be subject and liable to the same penalties and forfeitures for neglecting or refusing to lay out, make, or keep the said road in repair, as any other commissioners for high roads are by any of the said Acts made subject and liable unto.

V. *And be it further enacted* by the authority aforesaid, That such part of the present high road as leads from Day's creek to Puryburgh, shall, from henceforth, be discontinued, so that no person or persons whosever shall be liable to work upon the same; any law, usage or custom to the contrary notwithstanding.

B. SMITH, *Speaker.*

In the Council Chamber, the 12th day of April, 1755.

Assented to:

JAMES GLEN.

AN ACT FOR MAKING A ROAD ACROSS HILTON HEAD, FROM PORT ROYAL INLET TO CALLIBOGY INLET; AND A ROAD FROM THE FORDING ISLANDS TO THE HEAD OF OAKATEE CREEK, IN GRANVILLE COUNTY; AND APPOINTING COMMISSIONERS FOR THE SAID ROADS.

WHEREAS, the making of a road across Hilton Head, from Port Royal Inlet to Callibogy Inlet, and a road from the Fording Islands to the head of Oakatee creek, in Granville county, will be very beneficial to the inhabitants of those parts. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That a public road shall be laid out and made across Hilton Head, from Port Royal Inlet, to Callibogy Inlet; which road shall be laid out, made, and at all times thereafter kept in repair, by the male inhabitants, from the age of sixteen to sixty years, living and residing on Hilton Head aforesaid; and also, that another public road shall be laid out and made, from the Fording Islands to the head of Oakatee creek, in Granville county; which road shall be laid out and made, and at all times thereafter kept in repair, by the male inhabitants, from sixteen to sixty years of age, living and residing to the southward of the said Oakatee creek, in such manner as other public roads in this Province are laid out, made and kept in repair.

Road from Hilton Head to Callibogy.

From Fording Islands to Oakatee creek.

II. *And be it further enacted* by the authority aforesaid, That Morgan Sabb, John Garvey, Philip Martinangel, Arthur Bull, and Henry Toomer, shall be, and they are hereby nominated and appointed, commissioners for the said roads; and they, the said commissioners, or a majority of them, shall have the same powers and authorities for carrying this Act into exe-

Commissioners

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cution, as other commissioner for the high roads are invested with by the laws of this Province, and shall be subject and liable to the same penalties and forfeitures for neglect thereof.

Vacancies.

III. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall happen to die, refuse to act, or depart this Province, it shall and may be lawful for the remaining commissioners, or a majority of them, to nominate and appoint another commissioner or commissioners in the room of him or them so dying, refusing to act, or departing the Province.

Exemption.

IV. *And be it further enacted* by the authority aforesaid, That all and every person and persons hereby made subject and liable to lay out, make, and keep in repair, the roads above mentioned, shall be, and they are hereby, exempted from working on any other road or roads whatsoever; any law, usage or custom to the contrary thereof in any wise notwithstanding.

B. SMITH, *Speaker.*

In the Council Chamber, the 19th day of March, 1756.

Assented to:

JAMES GLEN.

No. 843. AN ACT ESTABLISHING FERRIES OVER WACCAMAW AND PEEDEE RIVERS, AND VESTING THE SAME IN THE PERSONS THEREIN MENTIONED; AND APPOINTING AND EMPOWERING COMMISSIONERS FOR MAKING ROADS LEADING TO THE SAID FERRIES.

Preamble.

WHEREAS, the inhabitants of Waccamaw Neck, by their petition to the General Assembly, have set forth, that *whereas*, the ferry on Waccamaw, opposite to Georgetown, commonly called Wasso Ferry, has been found by experience to be badly situated, by reason of the width of the river and bad situation of the causeys and slips, which render it, oftentimes, impassable in rainy or windy weather, and humbly prayed that a law may be passed for establishing ferries at the places hereinafter mentioned, and for appointing and empowering commissioners for making roads leading to the same. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Ferry over Waccamaw.

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That a ferry shall be, and is hereby, established for the transporting passengers, horses and cattle over Waccamaw river, from the plantation, late of George Threadcraft, deceased, on the south-east side of the said river, to the Island, belonging to Elias Foissme, Esquire, on the north-west side of the said river. And that another ferry shall be, and is hereby, established for transporting passengers and cattle, from the plantation,

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heretofore belonging to John Glen, on the west side of Great Peedee river, to the island aforesaid, on the east side of the said Peedee river; and that the right, title, interest, profit, and advantage of the said several ferries, shall be, and is hereby, vested and settled in the respective proprietors of the said plantations, late of George Threadcraft and John Glen, and to their respective executors, administrators and assigns, for and during the term of seven years, and from thence to the end of the next session of the General Assembly. And the said proprietors of the said plantations, respectively, their several and respective executors, administrators and assigns, shall be, and they are hereby, authorized and empowered, to take and receive, to their own proper use, the several rates following, that is to say:—for every single person ferried over at Waccamaw Ferry, two shillings and six pence; for every man and horse, five shillings; for a chair or other two wheeled carriage, ten shillings; for every head of neat cattle, ferried or swam, one shilling; for calves, sheep or hogs, by the head, six pence, in the lawful money of this Province; and one half of the said rates shall be paid at the ferry over Peedee river. For recovery of which several rates and sums becoming due as aforesaid, from all persons passing and re-passing either of the said ferries, the proprietors of the said plantations, respectively, and their several and respective executors, administrators and assigns, shall have like remedy as is given by law for the recovery of debts under twenty pounds, by the Act for trial of small and mean causes.

Over Peedee,

Toll.

II. *And be it also enacted* by the authority aforesaid, That the said proprietors of the said plantations, respectively, their several and respective executors, administrators and assigns, shall be, and they are hereby, obliged and required, from and immediately after the roads and causey hereinafter mentioned shall be finished and completed, during the said term of seven years, constantly to provide and keep in good repair, a ferry boat or boats, for carrying and transporting over the said rivers, at the said ferries, respectively, all passengers, horses, cattle and chairs, or other two wheeled carriages,; and also, two able men, one of whom to be a white man, who shall constantly attend the said ferry, as well by night as by day. And in case any passenger shall meet with unreasonable delay, at either of the said ferries, the person or persons in whom the same is hereby vested, his or their executors, administrators or assigns, shall forfeit and pay, to the party grieved, the sum of forty shillings, for the first hour, and the further sum of twenty shillings, for every hour afterwards, that any person shall be so delayed; which sum and sums shall and may be recovered, on oath of such delay, by warrant, from any one justice of the peace, who, on complaint made to him, shall hear and determine the same according to the powers given him by law for trying small and mean causes. *Provided, always,* that all ministers of the Gospel, persons going to and from divine service, persons going to and from musters, and all persons in the service of the public, and all free Indians, shall and may pass either of the said ferries gratis.

Duty of owners of said ferries.

III. *And be it also enacted* by the authority aforesaid, That the commissioners hereinafter named, or a majority of them, shall have power and authority, and they are hereby fully empowered and authorized, to lay out, make and keep in repair, a road from the highway to Cape Fear, leading to the ferry hereby established over Waccamaw river, at the plantation, late of George Threadcraft, deceased, by the labor of the male inhabitants of Waccamaw Neck, from the age of sixteen to sixty years; and also to lay out, make and keep in repair, a road or causey across the Island, belonging

Roads to be made to said ferries.

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to the said Elias Foissme, opposite to the said ferry, leading to the other ferry hereby established over Great Peedee river, in such part of the said island as they shall judge most convenient for that purpose.

Commissioners IV. *And be it further enacted* by the authority aforesaid, That Wm. Allston, John Clark, Archibald Johnston, John Waties, Alexander McDowell, Charles Lewis, and Josiah Allston, be, and they are hereby appointed, commissioners for the said roads.

£500 to be assessed on lands and slaves. V. And for the more expeditious finishing the road or causey over the island aforesaid, *Be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall have power, and they are hereby fully empowered and authorized, to levy the sum of five hundred pounds, current money, by an equal assessment on the lands and slaves lying and being on Waccamaw Neck, from the lower part of the said neck to the boundary line between South and North Carolina, according to the quantity of lands and number of slaves; which sums, the said commissioners shall apply toward laying out and making the road or causey across the island aforesaid. And in case any person or persons, owner or owners of any of the lands or slaves to be assessed by the said commissioners for the purposes aforesaid, shall neglect or refuse to pay his, her or their just proportion of the said assessment, by the time appointed by the said commissioners, or a majority of them, for payment of the same, it shall and may be lawful for the said commissioners, and they, or a majority of them, are hereby fully authorized and empowered, to levy and collect the same, by warrant of distress, under their hands and seals, against the defaulters, in like manner as the collectors of the taxes for support of this Government are or have been empowered and authorized to collect and gather in the said taxes from defaulters, by any Act or Acts of the General Assembly of this Province; any law, usage or custom to the contrary notwithstanding.

How to be kept in repair. VI. *And be it further enacted* by the authority aforesaid, That the said road from the highway to Cape Fear, leading to the ferry over Waccamaw river aforesaid, and the road or causey over the island aforesaid, after the same are finished, shall, at all times from thenceforth, be kept in repair by the male inhabitants, from sixteen to sixty years of age, living and residing on Waccamaw Neck, from the lower part thereof to the boundary line between South and North Carolina, in like manner as the roads of other districts in this Province are kept in repair by the laws of this Province.—*Provided, always,* that the said inhabitants shall, at all times hereafter, be exempted from keeping Wasso causey in repair; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Vacancies. VII. *And be it also enacted* by the authority aforesaid, That in case any of the commissioners hereby nominated shall happen to die, refuse to act or depart this Province, it shall and may be lawful for the remaining commissioners, or a majority of them, to choose and appoint another person or persons to be commissioner or commissioners in the room of him or them so dying, refusing to act, or departing the Province. And the person or persons so nominated and appointed, shall have the same powers and authorities for carrying this Act into execution, as the commissioners hereby nominated.

Road from ferry over Peedee to Georgetown. VIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads in the lower district of Peedee, shall have power, and they are hereby fully authorized and empowered, directed and required, to lay out, make and keep in repair, at the expense and labour of

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the male inhabitants, from sixteen to sixty years of age, living and residing in the said district, a road leading from the ferry established over Great Peedee river, at the plantation, late of John Glen, to the high road leading to Georgetown.

B. SMITH, *Speaker.**In the Council Chamber, the 19th day of March, 1756.**Assented to :*

JAMES GLEN.

AN ACT FOR LAYING OUT, MAKING AND KEEPING IN REPAIR, A ROAD No. 850.]
FROM THE BRIDGE COMMONLY CALLED MINNICK'S BRIDGE, TO THE
FIFTEEN MILES POST, ON THE ROAD LEADING FROM ORANGEBURG
TOWNSHIP TO CHARLESTOWN; AND FOR RE-BUILDING THE SAID BRIDGE
AND KEEPING THE SAME IN REPAIR.

WHEREAS, the making of a road from the bridge commonly called Minnick's Bridge, to the fifteen miles post, on the road leading from Orangeburg township to Charlestown, will be very convenient for the inhabitants residing in the forks of Edisto river, and many of the inhabitants living on the north side of Pon Pon river—we therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain-General, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the commissioners hereinafter named shall, and they are hereby authorized, empowered and directed to, lay out, make and keep in repair, a road from the bridge commonly called Minnick's Bridge, to the fifteen miles post, on the road leading from Orangeburg township to Charlestown, and also to re-build the said bridge, and to keep the same in repair.

Road from Minnick's bridge to the Orangeburg road.

II. *And be it further enacted* by the authority aforesaid, That all the male inhabitants from the age of sixteen to sixty years, residing in the forks of Edisto river, and all the male inhabitants, as aforesaid, living within three miles on the north side, and within six miles on the south side, of the said road, shall be, and they are hereby, obliged to make the said road, and to re-build the said bridge, and to keep the said road and bridge in repair. And in case they, or any of them, shall neglect or refuse to do the same, they shall be subject and liable to the same fines and forfeitures as any persons by Act of the General Assembly for the making of roads or the building of bridges in this Province are made subject and liable unto.

Who to work on it.

III. *And be it further enacted* by the authority aforesaid, That the several persons who by this Act are subjected to make the said road and re-build the said bridge, and to keep the same in repair, shall be, and they and every of them are hereby, exempted from working on any road, bridge or causey whatsoever, other than the road and bridge aforesaid, and downward from the said fifteen miles post, in the Orangeburg road, so far as they

Exempt from working on other roads.

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have hitherto worked on the same; any law, usage or custom to the contrary in any wise notwithstanding.

Powers of commissioners.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, or the majority of them, shall have, use and exercise, all the powers and authorities, for putting this Act in execution, which are given to any other commissioners for high-roads or bridges, by any Act or Acts of the General Assembly of this Province, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as such other commissioners are made subject and liable unto by any such Act or Acts as aforesaid.

Commissioners

V. *And be it also enacted* by the authority aforesaid, That Christian Minnick, Peter Faure, John Clayton, Henry Young, and Luke Patrick, shall be, and they are hereby nominated and appointed, commissioners for putting this Act in execution. And in case of the death, absence or resignation, of any of the said commissioners, it shall and may be lawful for the remaining commissioners, or any three of them, to choose and appoint another person or persons to be commissioner or commissioners in the room of him or them so dying, being absent, or resigning; which person or persons, so chosen and appointed, shall have the same powers and authorities, for putting this Act in execution, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as the commissioners hereinbefore named.

Public Act.

V. *And be it also enacted* by the authority aforesaid, That this Act shall be, and is hereby declared to be, a public Act, of which all courts of law in this Province are to take notice without pleading.

B. SMITH, *Speaker.**In the Council Chamber, the 13th of April, 1756.*

Assented to :

JAMES GLEN.

No. 851. AN ACT FOR ESTABLISHING A FERRY OVER SANTEE RIVER, AT THE PLACE COMMONLY CALLED BEARD'S FERRY, AND VESTING THE SAME IN JAMES BEARD, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM THEREIN MENTIONED; AND APPLYING PART OF THE SURPLUS OF THE MONEY WHICH WAS GRANTED FOR MAKING THE WATEREE RIVER NAVIGABLE, TOWARD MAKING A ROAD OR CAUSEY OVER THE SWAMP ON SANTEE RIVER, LEADING TO THE SAID FERRY; AND APPOINTING COMMISSIONERS FOR MAKING AND KEEPING IN REPAIR A ROAD FROM THE SAID FERRY TO THE MOST CONVENIENT PART OF THE ROAD LEADING FROM THE CONGRESSES TO CHARLESTOWN.

WHEREAS, the ferry over Santee river, commonly called Beard's Ferry, hath been found very convenient for travellers; but the same not being

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established by law, no rates of ferriage have been ascertained. We therefore humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the ferry over Santee river, commonly called Beard's Ferry, shall be, and is hereby declared to be, an established ferry, and shall be, and is hereby, vested in James Beard, his executors, administrators and assigns, for and during the term of seven years, to be computed from the time of passing this Act, and from thence to the end of the next session of the General Assembly after, and no longer.

Beard's Ferry
established,
over Santee.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said James Beard, his executors, administrators and assigns, during the said term, to demand, have, receive and take, to his and their own proper use, from all manner of person and persons passing and re-passing at the said ferry, (except ministers of the Gospel, all persons going to and from divine service, and to and from musters of the militia, and all persons on the public service, and all free Indians,) the several rates and sums following, in the current money of this Province, that is to say: for every foot passenger, one shilling and three pence; for every horse, one shilling and three pence; for an empty cart, five shillings; for a loaded cart, ten shillings; for an empty wagon, seven shillings and six pence; for a loaded wagon, twenty shillings; for every head of grown neat cattle, ferried or swam, one shilling; for calves, sheep and hogs, per head, six pence; and when the river is high, for man and horse, ten shillings; for recovery of which several rates and sums from all persons who may refuse to pay the same, the said James Beard, his executors, administrators and assigns, shall have like remedy as is given for the recovery of debts under twenty pounds, current money, by the Act for the trial of small and mean causes.

Toll.

III. *And be it further enacted* by the authority aforesaid, That the said James Beard, his executors, administrators and assigns, shall be, and they are hereby, obliged and required constantly to provide and keep in repair a good and sufficient ferry boat or boats, for carrying and transporting over the said river passengers, horses, cattle, carts and wagons; and also, two able men, (one of whom shall always be a white man,) who shall constantly attend the said ferry at all times of the day and night throughout the year, to transport and carry over all passengers, horses, cattle and carriages, as aforesaid; and in case any persons shall meet with unreasonable delay, or be retarded in their passing at the said ferry, for want of the ferry boat or the persons who are hereby required to attend the said ferry, the said James Beard, his executors, administrators or assigns, shall forfeit and pay, for every such delay, to the party grieved, the sum of forty shillings, for the first hour, and the further sum of forty shillings for every hour afterward; which sum or sums shall and may be recovered, on oath made of such delay, by warrant from any justice of the peace, who, on complaint made to him, shall hear and determine the same, according to the powers given him by law for the trial of small and mean causes.

Duty of owner
of said ferry.

IV. *And be it also enacted* by the authority aforesaid, That all and every of the male slaves from the age of sixteen to sixty years, belonging to the said James Beard, or to any other person who may hereafter possess

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the said ferry under him, shall be, and they are hereby, obliged and required to work and assist in the making and keeping in repair the road or causey over the swamp on the north-east side of Santee river, leading to the said ferry.

£305 pounds
appropriated
for the causey.

V. And *whereas*, the making the said road or causey by the few inhabitants living adjacent thereto, would be a grievous and heavy burthen on the said inhabitants. And *whereas*, there is a surplus of four hundred and five pounds remaining of the sum of seven hundred pounds which was granted by the General Assembly for taking away the rafts and other obstructions in the Wateree river, and for making the said river navigable:— *Be it therefore enacted* by the authority aforesaid, That the sum of three hundred and five pounds, part of the said surplus, shall be, and is hereby, appropriated and applied toward making the said road or causey over the swamp on the north-east side of Santee river, leading to the said ferry, and to and for no other use or purpose whatsoever; and the commissioners who were appointed by an Act made the twenty-first day of April, in the twenty-fifth year of his Majesty's reign, entitled "An Act for appointing and empowering commissioners to make the Wateree river navigable, and for laying out a road from the upper settlements, near the Catawba nation, on the north-east side of the said Wateree river, to the place on Santee river commonly called Beard's Ferry, and from thence to the road leading from the Congrees to Charlesown," shall be, and they are hereby, obliged, enjoined and required, to apply the said three hundred and five pounds accordingly. And the said commissioners shall retain in their hands the one hundred pounds residue of the said surplus for keeping the said Wateree river navigable, and shall apply the same for removing any obstructions that may hereafter be in the said river, and to no other use, intent or purpose whatsoever.

Road from
Beard's Ferry
to the Charles-
ton Road.

VI. And *whereas*, the commissioners appointed by the Act above mentioned, are empowered to lay out, make and keep in repair, a road from Beard's Ferry, aforesaid, to the most convenient part of the road leading from the Congrees to Charlestown; which road is at so great a distance from the places of residence of the said commissioners that they cannot conveniently attend the same; *Be it therefore further enacted* by the authority aforesaid, That the commissioners for the roads in St. John's parish, Berkley county, shall be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, a road from Beard's Ferry, aforesaid, to the most convenient part of the road leading from the Congrees to Charlestown, as aforesaid; any thing contained in the said Act to the contrary thereof in any wise notwithstanding.

B. SMITH, *Speaker.*

In the Council Chamber, the 13th day of April, 1756.

Assented to:

JAMES GLEN.

Acts relating to Roads, Bridges and Ferries.

A. D. 1756.

No. 852.

AN ACT ESTABLISHING A FERRY FROM THE PLANTATION OF THEODORE GAILLARD, ON THE SOUTH SIDE OF SANTEE RIVER, TO MURRAY'S LANDING, ON THE NORTH SIDE OF THE RIVER, AND VESTING THE SAME IN THE SAID THEODORE GAILLARD, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM THEREIN MENTIONED; AND FOR CLEANSING AND CLEARING THE CREEKS THEREIN MENTIONED, FOR THE MORE CONVENIENT PASSING THE SAID FERRY.

WHEREAS, the inhabitants of Williamsburgh township, by their humble petition, have prayed that a ferry may be established from the plantation of Theodore Gaillard, on the south side of Santee river, to Murray's landing, on the north side of the river; and for the more convenient passing the said river when the freshes are up, that the creek commonly called Ferry Creek, on the south side of the river, and the creek leading from the north side of the said river to Murray's house, may be cleansed and cleared; we therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency James Glen, Esq., Governor-in-chief and Captain General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of this Province, and by the authority of the same, That a ferry shall be; and is hereby, established, for the transporting of passengers, horses, and cattle over Santee river, from the plantation of Theodore Gaillard, on the south side, to Murray's landing, on the north side, of the said river; and that the right, title, interest, profit and advantage of the said ferry, shall be; and is hereby, vested and settled in the said Theodore Gaillard, his executors, administrators and assigns, for and during the term of fourteen years from the time of making this Act, and from thence to the end of the next Session of the General Assembly.

Gaillard's ferry established over Santee.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said Theodore Gaillard, his executors, administrators and assigns, to demand, have, take and receive, to his and their own proper use, the several rates following, in the current money of this Province, that is to say, when the river is high, that passengers are obliged to make use of the long ferry, for every foot passenger, seven shillings and six pence; for every man and horse, fifteen shillings; for every single horse, fifteen shillings; and if ferried over the short ferry, for every foot passenger, two shillings and six pence; for every man and horse, five shillings; for every single horse, five shillings; for grown neat cattle, by the head, ferried or swam, one shilling; for calves, sheep or hogs, by the head, six pence; for recovery of which several rates and sums, from all persons passing and repassing the said ferry, the said Theodore Gaillard, his executors, administrators and assigns, shall have like remedy as is given from the recovery of small debts, by the Act for the trial of small and mean causes. *Provided, always*, that all ministers of the gospel, all persons going to and from divine service, all persons in time of alarm, all persons in the service of the public, and all free Indians, shall and may pass the said ferry gratis.

Toll.

III. *And be it also enacted* by the authority aforesaid, That the said Theodore Gaillard, his executors, administrators and assigns; shall be, and they are hereby, obliged and required constantly to provide and keep in good repair, a sufficient ferry boat or boats for carrying and transporting

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of said ferry.

over the said river, passengers, their servants, horses and cattle, and also two able men, one of whom shall be a white man, who shall constantly attend the said ferry, as well by night as by day, to carry over all passengers, their servants, horses and cattle. And in case any person who hath occasion to pass over the said ferry, shall meet with unreasonable delay, or shall be retarded for want of the said ferry boat or the persons who are hereby required to attend the said ferry, the said Theodore Gaillard, his executors, administrators or assigns, shall forfeit and pay for every such delay to the party grieved the sum of forty shillings for the first hour, and the further sum of forty shillings for every hour afterwards, that any person shall be so delayed, to be recovered, on oath made of such delay, by warrant from any one justice of the peace, who, on complaint to him made, shall hear and determine the same, according to the powers given him by law for trying small and mean causes.

IV. *And be it further enacted* by the authority aforesaid, That the said Theodore Gaillard, his executors, administrators and assigns, in consideration of the said ferry being vested in him and them, shall be, and he and they is and they are hereby, obliged, enjoined and required, within twelve months from the time of passing this Act, at his and their own proper cost and charges, to cleanse and clear, and at all times during the term aforesaid to keep clean and clear, the creek on the south side of Santee river, commonly called Ferry Creek, leading from the plantation of the said Theodore Gaillard to the said river, so that at all times during the said term when the river is high, there shall be a free passage for the ferry boat or boats in the said creek; under pain of forfeiting the sum of one hundred pounds, current money, one moiety whereof to his Majesty, his heirs and successors, to be applied in such manner as the General Assembly shall direct and appoint, and the other moiety to him or them who will inform and sue for the same by action of debt, bill, plaint or information in any Court of record in this Province, wherein no essoign, privilege, protection or wager of law shall be allowed or admitted, nor any more than one impanlance.

No other per-
son to interfere
with said ferry.

V. *And be it also enacted* by the authority aforesaid, That it shall not be lawful for any person or persons whoever living on the south side of the said river, within two miles of the ferry hereby established at the plantation of the said Theodore Gaillard, to keep a ferry for transporting of passengers, horses or cattle over the said river, during the said term, under pain of forfeiting the sum of thirty shillings, current money, for every such offence, to the said Theodore Gaillard, his executors, administrators or assigns, to be recovered, on oath made of the same, by warrant from any justice of the peace, who, on complaint to him made, shall hear and determine the same, according to the powers given him by the Act for trying small and mean causes.

Creek at Mur-
ray's to be
cleared.

VI. *And be it also enacted* by the authority aforesaid, That the creek on the north side of Santee river, leading from Murray's house to the said river, shall be cleansed and cleared, and at all times hereafter kept clean and clear, so that there be a free passage for the ferry boat or boats in the said creek when the river is high, by the male inhabitants from sixteen to sixty years of age, living and residing in the township of Williamsburgh, or within five miles of the ferry vested in the said Murray; and that John Levinston, William Young and William Neilson, shall be, and they are hereby appointed, commissioners for cleansing and clearing and keeping clean and clear the said creek on the north side of Santee river, aforesaid;

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and the said commissioners, or a majority of them, shall have the same powers and authorities for cleansing and clearing the said creek, and for keeping the same clean and clear, as are given by law to any other commissioners for any creek, cut-off, or water passage in this Province, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as any other commissioners for any creek, cut-off or water passage, in this Province, are made subject and liable unto.

VII. *And be it further enacted* by the authority aforesaid, That if any person whosoever shall, by himself or by his servants or slaves, either by felling of trees, or by any other means whatsoever, either wilfully or accidentally, obstruct or interrupt the passage or course of the said creeks, and shall not, within eight and forty hours after such obstruction or interruption, clear and entirely take away, or cause the same to be taken away, every such offender shall forfeit the sum of five pounds, current money, to be recovered by warrant of distress and sale of the defendant's goods, to be applied toward the charge of clearing or continuing to keep clear the said creeks respectively wherein the offence shall be committed.

Penalty for obstructing said creeks.

B. SMITH, *Speaker.**In the Council Chamber, the 18th of April, 1756.**Assented to:*

JAMES GLEN.

AN ACT FOR MAKING AND KEEPING IN REPAIR A ROAD ACROSS THE PARISH OF SAINT PAUL, FROM THE SOUTH TO THE NORTH BOUNDARY THEREOF; AND A BRIDGE ACROSS THE NORTH BRANCH OF EDISTO RIVER, AND A ROAD OR CAUSEY LEADING THERETO; AND APPOINTING COMMISSIONERS TO EXECUTE THE SAME. No. 859.

WHEREAS, the making a road across the Parish of Saint Paul, from the south to the north boundary thereof, will be very convenient for the ready assembling of the inhabitants for their attendance on divine worship, and in cases of emergency. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency William Henry Lyttleton, Esquire, Captain-General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That a road shall be forthwith laid out, and within three years from and after the passing of this Act, made in the parish of Saint Paul, from the south boundary, on Boone's Island, now called Slann's Island, where a ferry was formerly settled, to open a communication to Edisto Island, in Saint John's Parish, to extend from thence to the New Church; and from the said church to Cane-Acres; and from thence to the road leading from Beach Hill to Slann's Bridge, in Saint George's Parish, in such manner as the commissioners hereinafter named, or the major

Road to be made across St. Paul's.

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part of them, shall judge will be most convenient for the inhabitants of the said parish.

How to be
made.

II. *And be it also enacted* by the authority aforesaid, That the said road shall be laid out and made at the equal labor of all the male inhabitants, from the age of sixteen to sixty years, living and residing in the said parish of Saint Paul.

And kept in
repair.

III. *And be it also enacted* by the authority aforesaid, That after the said road shall be finished and completed, the said commissioners, or a majority of them, shall have power, and they are hereby fully empowered, directed and required, to parcel the said road out in distinct districts, and to appoint such persons to keep the same hereafter in repair, living in each district, respectively, as shall be most conveniently situated for that purpose. And the said persons so to be appointed to keep the said road in repair, shall be, from thenceforth, and they and every of them are hereby, exempted from working on any other high road or roads whatever; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Commissioners
and their pow-
ers.

IV. *And be it also enacted* by the authority aforesaid, That James Stobo, Esquire, Mr. Francis Wilkinson, Mr. Francis Yonge, Mr. Joseph Brailsford, and Mr. James Ladson, shall be, and they are hereby appointed, commissioners for the said road, who shall have as full and ample power and authority for carrying this Act into execution, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as the commissioners for any high road or roads have or are invested with, or are made subject and lable unto, by any Act or Acts of the General Assembly of this Province. And in case of the death, absence or refusing to act, of any of the said commissioners, it shall and may be lawful for the remaining commissioners; or a majority of them, to choose and appoint another fit person or persons to be commissioner or commissioners in the room of him or them so dying, being absent or refusing to act.

Vacancies.

V. *And be it further enacted* by the authority aforesaid, That in case the commissioners herein mentioned or appointed, shall, for the space of six months, neglect or refuse to appoint a commissioner or commissioners in the room of such as shall die; depart this Province or refuse to act, his Excellency the Governor, or the Commander-in-chief for the time being, is hereby empowered and directed to appoint a commissioner or commissioners in the room of such persons as shall die, depart this Province or refuse to act.

VI. *And whereas*, by an Act made the thirteenth day of April, in the twenty-ninth year of his Majesty's reign, entitled "An Act for laying out, making and keeping in repair, a road from the bridge commonly called Minnick's Bridge, to the fifteen miles post, on the road leading from Orangeburgh Township to Charlestown; and for re-building the said bridge and keeping the same in repair," it is enacted, among other things, that all the male inhabitants, from the age of sixteen to sixty years, residing in the forks of Edisto river, and all the male inhabitants as aforesaid, living within three miles on the north side, and within six miles on the south side, of the said road, should be, and they are thereby, obliged to make the said road and re-build the said bridge, and to keep the said road and bridge in repair. *And whereas*, the said road and bridge are of no benefit to any of the inhabitants living and residing to the northward of a western line to be run from the mouth of Anderson's branch, in the northern fork of the said river, to the Ridge-path, and to the eastward of the said ridge-path, inclusive. Which inhabitants, by their petition to the General Assembly, have

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prayed to be exempted from working on the road and bridge aforesaid; and that another bridge may be built, and a causey and road made, that will be convenient for the said inhabitants. *Be it therefore further enacted* by the authority aforesaid, That the commissioners hereinafter named, or the majority of them, shall have power, and they are hereby authorized, empowered, directed and required, as soon as conveniently may be, to erect and build a bridge across the northern branch of Edisto river, from Orangeburgh Township to the opposite side of the said river; and likewise, to lay out and make a causey through the swamp to lead to the said bridge; and a road from the said causey to such place as they, the said commissioners, shall judge will conduce most to the public service.

Bridge to be
built over
North Edisto.

VII. *And be it also enacted* by the authority aforesaid, That all such of the male inhabitants, from sixteen to sixty years of age, in the forks of Edisto river, as live and reside to the northward of a western line, to be run from the mouth of Anderson's branch, in the northern fork of the said river, to the ridge-path, and to the eastward of the said ridge-path, inclusive, shall be subject and liable to build the said bridge, and to make the said causey and road, and to keep the same hereafter in repair; who, in consideration thereof, shall be, and are hereby, exempted from contributing to the making or repairing of any other public bridge, causey or road whatever; any thing contained in the said recited Act or any other law of this Province to the contrary thereof in any wise notwithstanding. And all the rest of the inhabitants living and residing within the said forks, shall be subject and liable to rebuild and keep in repair the bridge commonly called Minnick's Bridge, and the causey and road from thence to the fifteen miles post on the road leading from Orangeburgh Township to Charlestown.

Who to work
on it.

VIII. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, or the majority of them, shall have, use and exercise, all the powers and authorities for building the said bridge across the northern branch of Edisto river aforesaid, and for laying out and making the said causey and road, and for keeping the said bridge, causey and road in repair, which are given to any other commissioners for bridges, causeys or highways, by any Act or Acts of the General Assembly of this Province, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as such other commissioners are made subject and liable unto by any such Act or Acts as aforesaid.

Power of com-
missioners.

IX. *And be it also enacted* by the authority aforesaid, That John Murray, Esquire, Gavin Pou, Michael Christopher Rowe, Luke Patrick, and Abraham Hasfort, shall be, and they are hereby appointed, commissioners for putting such parts of this Act in execution as relate to the said bridge, causey and road last above mentioned. And in case of the death, absence or resignation of any of them, it shall and may be lawful for any three of the remaining commissioners to choose and appoint another person or persons to be commissioner or commissioners in the room of him or them so dying, being absent or resigning; which person or persons so chosen and appointed shall have the same powers and authorities for putting the said parts of this Act in execution, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as the said commissioners last above named.

Commissioners

B. SMITH, *Speaker.*

In the Council Chamber, the 21st day of May, 1757.

Assented to :

WM. HENRY LYTTTELTON.

A. D. 1758.

Acts relating to Roads, Bridges and Ferries.

No. 870. AN ACT ESTABLISHING A ROAD LATELY LAID OUT FROM TIPPICUT-LAW OLDFIELD, IN SAINT JOHN'S PARISH, TO MURRAY'S FERRY ROAD, IN SAINT STEPHEN'S PARISH; AND FOR DISCONTINUING SUCH PART OF MURRAY'S FERRY ROAD AS IS THEREIN MENTIONED.

Preamble.

WHEREAS, the respective boards of commissioners for the highways in the several parishes of Saint John, in Berkley county, and Saint Stephen, in Craven county, have lately laid out a road from Tippicut-Law Oldfield, near Biggin Church, in Saint John's Parish, to Murray's Ferry Road, in Saint Stephen's Parish; which new road will be much more convenient for the inhabitants of Saint Stephen's Parish who make use of Murray's Ferry, than the old road from Murray's Ferry to Saint John's High road, and will equally suit the inhabitants of Williamsburgh Township, for whose convenience the old road was made. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Road from Tippi-
cut-Law Old
Field to Mur-
ray's Ferry
road.

I. *Be it enacted*, by his Excellency William Henry Lyttleton, Esquire, Captain-General and Governor-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the new road lately laid out from Tippicut Law Oldfield, near Biggin Church, in the parish of Saint John, in Berkley county, and continued to the Half-way Swamp, at a place called Norman's Rice Field, and from thence to or near the plantations of John Conyers and Jeremiah Allen, till it intersects Murray's Ferry Road, between a place called The Hill, and Theodore Gaillard's plantation, in the parish of Saint Stephen, in Craven county, shall be, and is hereby established and confirmed, a public road; and shall be made, and at all times hereafter kept in repair, by the several male inhabitants, from sixteen to sixty years of age, living in the district or districts through which the said new road is laid out, in like manner as other public roads in this Province are made and kept in repair.

Former road
discontinued.

II. *And be it also enacted* by the authority aforesaid, That none of the said inhabitants, or any other person whosoever, shall be obliged or liable to work on or keep in repair any part of Murray's Ferry Road, lying between the place where the same is intersected by the new road and the high road in Saint John's Parish, aforesaid; and that the said part of the said old road shall be thrown up and for ever hereafter discontinued; any law, usage or custom to the contrary in any wise notwithstanding.

B. SMITH, *Speaker*.

In the Council Chamber, the 19th day of May, 1758.

Assented to :

WM. HENRY LYTTTELTON.

Act relating to Roads, Bridges and Ferries.

A. D. 1758.

**AN ACT FOR ESTABLISHING A FERRY FROM HOOPING ISLAND TO
BOONE'S ISLAND, AND TO OPEN A COMMUNICATION FROM THENCE TO
THE HIGH ROAD ON EDISTO ISLAND.** No. 871.

WHEREAS, several of the inhabitants of Edisto Island; by their humble petition to the General Assembly, have set forth, that they have not the conveniency of a communication, either by a bridge or a ferry, from their island to any part of the main, for want of which they labour under many and great hardships; and that as they are situated on the sea-coast, surrounded with many bold rivers, they are greatly exposed to the attempts of an enemy, and can expect no relief or succour from the main, for want of some communication being settled by law; and humbly praying that a ferry might be established from the said Boone's island to Hooping island, and that a road might be made from thence into the public road on Edisto island; we therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency William Henry Lyttelton, Esq., Captain-General and Governor-in-chief, in and over his Majesty's Province of South-Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That a ferry for passengers, horses and cattle, shall from henceforth be settled and established from Hooping island to Boone's island; and that the right, title, interest, profit and advantage of the said ferry, shall be, and is hereby, vested and settled in Joseph Ash, his executors, administrators and assigns, for and during the term of seven years from the time of passing this Act, and from thence to the end of the next session of the General Assembly.

Ferry established from Hooping island to Boone's island

II. *And be it further enacted* by the authority aforesaid, That the said Joseph Ash shall, and is hereby required, at his own proper cost and charge, constantly provide and keep in good repair, a sufficient ferry boat or ferry boats for carrying and transporting over the said passengers, horses, cattle and goods, and also two able men who shall constantly attend the said ferry at all times of the day and night throughout the year, to transport and carry over all passengers, horses, cattle and goods, when and so often as they shall be required.

Duty of owner of said ferry

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said Joseph Ash to demand, have, take and receive to his own proper use, by way of toll, the several rates following, that is to say, for a foot passenger, two shillings and six pence; for every horse, two shillings and six pence; for every head of neat cattle ferried or swam, two shillings and six pence; for every chaise or chair and horse, or cart and horse, ten shillings, in the current money of this Province; *Provided*, that all persons in the public service, and all persons going to and from a general muster of the militia, or in times of alarm, shall and may pass the ferry gratis.

Toll.

IV. *And be it further enacted* by the authority aforesaid, That in case any passenger or other person who has occasion to pass over from Hooping island to Boone's island aforesaid, or from Boone's island to Hooping island aforesaid, shall meet with unreasonable delays, or be retarded for want of the said ferry boat or ferry boats, or the persons who are hereby appointed and required to attend them, the said Joseph Ash shall forfeit and pay, for every such delay, to the party grieved, the sum of

Penalty for neglect.

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Acts relating to Roads, Bridges and Ferries.

forty shillings, and the further sum of twenty shillings for every hour afterwards that any such person shall be delayed; which sum or sums shall and may be recovered, on oath made of such delay, by a warrant from any one justice of the peace, who, on complaint to him made, shall hear and determine the same, according to the directions of the Act for trial of small and mean causes.

Road from
Hooping island
to the road on
Edisto island.

V. *And be it further enacted* by the authority aforesaid, That the commissioners hereafter named shall and may lay out a road from Hooping island, opposite to the new road laid out through St. Paul's Parish, into the public road on Edisto island, in such place as shall appear most convenient to the said commissioners; which road or way shall be used, deemed or esteemed as the King's high-way, for the convenience of all persons whatsoever who shall have occasion to go through the same road with their carts, waggons, horses and carriages, at all times and seasons whatsoever.

Who to work
on it.

VI. *And be it further enacted* by the authority aforesaid, That the said common road or path shall be made, cleared and finished, and be constantly kept in good and sufficient repair, at the equal charge and labour of the inhabitants of Edisto island aforesaid.

Commissioners
and their pow-
ers.

VII. *And be it further enacted* by the authority aforesaid, That Jonathan Frampton, Robert Seabrooke, and Benjamin Jenkins, or a majority of them, be, and they are hereby appointed, commissioners for making and clearing the said road from Hooping island aforesaid to the said public road on Edisto island, and for putting in force and executing every matter and thing thereunto belonging; and shall have as full and ample power and authority for carrying this Act into execution, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as the commissioners for any high road or roads have or are invested with, or are made subject and liable unto, by any Act or Acts of the General Assembly of this Province; and in case of the death, removing from the district, or refusing to act, of any of the said commissioners, it shall and may be lawful for the remaining commissioners to choose another person to be a commissioner in the room of him so dead, removed or refusing to act, and such person so appointed shall have the same powers and authorities, and be subject to the like penalties and forfeitures, as the commissioners nominated by this Act.

B. SMITH, *Speaker.*

In the Council Chamber, the 19th day of May, 1758.

Assented to: WILLIAM HENRY LYTTTELTON.

Acts relating to Roads, Bridges and Ferries.

A.D. 1759.

AN ACT FOR VESTING THE FERRY OVER SANTEE RIVER, IN THE WAY No. 878.

LEADING FROM CHARLESTOWN TO WILLIAMSBURG, COMMONLY CALLED MURRAY'S FERRY, IN JAMES HUNTER, EXECUTOR OF THE LAST WILL AND TESTAMENT OF JOSEPH MURRAY, LATE OF CRAVEN COUNTY, PLANTER, DECEASED, IN TRUST FOR AND TO THE ONLY USE AND BEHOOF OF JAMES MURRAY, AN INFANT, ONLY SON AND HEIR AT LAW OF THE SAID JOSEPH MURRAY, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR A TERM OF YEARS THEREIN MENTIONED.

WHEREAS, the said James Hunter, in behalf of the said James Murray, an infant, hath, by his petition to the General Assembly, represented that an Act was passed the eighth day of March, in the fourteenth year of his present Majesty's reign, for settling a ferry over Santee river, in the way leading from Charlestown to Williamsburgh, and for vesting the said ferry in the said Joseph Murray, his executors, administrators and assigns, for the term of seven years; and that the land on both sides of the river where the said ferry is settled, and where passengers are transported over the Short ferry, belongs to the said James Murray; therefore humbly praying that the said ferry over Santee river, to and from Murray's landing, on the north side, to the land belonging to the said James Murray, on the south side of the river, may be vested in the said James Hunter, in trust for and to the use and behoof of the said James Murray, his executors, administrators and assigns, for a certain number of years; for effecting whereof, we humbly pray his most sacred majesty that it may be enacted, and

Preamble.

1. *Be it enacted*, by his Excellency William Henry Lyttelton, Esq., Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, the ferry over Santee river, commonly called Murray's ferry, to and from the landing commonly called Murray's Landing, on the north side, to and from the land belonging to the said James Murray, on the south side of the said river, be immediately vested in the said James Hunter, executor of the last will and testament of Joseph Murray, deceased, his executors, administrators and assigns, in trust to and for the use, benefit and behoof of the said James Murray, an infant, only son and heir at law of the said Joseph Murray, for and during and unto the full end and term of seven years from [the time of passing this Act, and] thence next ensuing, and fully to be complete and ended, and from thence to the end of the next session of the General Assembly.

Murray's ferry
vested in Jas.
Hunter, trustee.

II. *And be it further enacted* by the authority aforesaid, That the said James Hunter, his executors, administrators or assigns, shall provide and keep at the said ferry, during the time aforesaid, one good and sufficient boat, with at least two able men, (one of which shall be a white man,) fit for transporting of passengers, horses and cattle, over Santee river, to and from the said James Murray's landing, on the north side, to and from the land belonging to the said James Murray, on the south side, of the said river; and that it shall and may be lawful to and for the said James Hunter, his executors, administrators and assigns, for and during the term aforesaid, to ask, sue for, demand, levy, recover and receive, of and from every person and persons using the said ferry, the several rates and prices

Duty of owner
of said ferry.

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Toll.

hereinafter mentioned, that is to say : for each passenger on foot, one shilling and three pence ; for each horse, three shillings and nine pence ; for each man and horse, three shillings and nine pence ; for neat cattle, per head, ferried or swam, one shilling ; for a loaded cart and horses, twelve shillings and six pence ; for calves, sheep or hogs, per head, six pence ; for a loaded wagon and team of horses, twenty-five shillings ; for a chair and horse, seven shillings and six pence. And when the freshets are so high that the landing place belonging to the said James Murray, on the south side of the said river, is covered with water, so as that passengers must be transported from high-land to high-land, from the said James Murray's landing, on the north side, to the south side of the said river, then it shall and may be lawful to and for the said James Hunter, his executors, administrators or assigns, for and during the said term, to ask, sue for, demand, levy, recover and receive, of and from every person and persons using the said ferry, from the said James Murray's landing, on the north side, to the south side of the said river, the several rates and prices hereinafter mentioned, that is to say : for each passenger on foot, seven shillings and six pence ; if more than two passengers ferried at one time, five shillings each ; for a man and horse, fifteen shillings ; if more than one man and horse, twelve shillings and six pence each ; for calves, sheep or hogs, per head, one shilling ; for a loaded cart and horses, twenty shillings ; for a horse and chair, fifteen shillings ; for a loaded wagon and team of horses, forty shillings. All which said rates and prices of ferriage shall be paid in the current money of this Province, to the said James Hunter, his executors, administrators and assigns, for the use, benefit and behoof of the said James Murray, his executors, administrators and assigns, for and during the term aforesaid, by all persons using the said ferry, excepting such persons as are hereinafter mentioned.

How to be recovered.

III. *And be it further enacted* by the authority aforesaid, That in case any person or persons using the said ferry, (excepting such as is hereinafter excepted,) shall refuse or fail to pay to the said James Hunter, his executors, administrators or assigns, in trust, as aforesaid, the several rates of ferriage aforementioned, that then it shall and may be lawful to and for the said James Hunter, his executors, administrators and assigns, to recover the same, by warrant given for that purpose under the hand and seal of any of his Majesty's justices of the peace, according to the method directed and prescribed by an Act entitled "An Act for the trial of small and mean causes." *Provided, always*, that all ministers of the gospel, all persons going to and from divine service, all persons in times of alarm, all persons in the service of the public, and all free Indians, shall and may pass the said ferry free of and from paying the said rates of ferriage.

Penalty for neglect.

IV. *And be it further enacted* by the authority aforesaid, That in case any person or persons coming to the said ferry, in order to pass over the said river, shall happen to meet with any unreasonable delay, for want of a sufficient ferry boat and two able men, as aforesaid, to transport them, their horses or cattle, from one side or other of the said river, that is to say, when the river is low, to and from the landing commonly called Murray's landing, on the north side, to and from the land belonging to the said James Murray, on the south side, of the said river ; and when the freshets are up, from the landing called Murray's landing to the south side of the said river, as aforesaid, he, the said James Hunter, his executors, administrators or assigns, then possessed of the said ferry, shall, in every such

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case, forfeit, for every hour's delay, the sum of forty shillings, current money, to be sued for, levied and recovered, in the manner directed and appointed by the said Act for the trial of small and mean causes: *Provided*, the said forfeitures be applied and sued for within ten days after the said delays shall happen, and not afterwards; one moiety of which forfeitures shall go to the poor of the parish, and the other moiety to the person or party so detained, and who shall inform and sue for the same; any thing hereinbefore contained to the contrary notwithstanding.

V. And forasmuch as it may be inconvenient and detrimental for passengers, or their goods or chattels, to be detained at the landing commonly called Murray's landing, on the north side of the said river, when the freshes are so high that the landing place belonging to the said James Murray, on the south side of the said river, is so covered with water as to render it necessary that passengers be transported from high-land to high-land; for remedying whereof, *it is hereby further enacted* by the authority aforesaid, That in such case it shall and may be lawful to and for the said James Hunter, his executors, administrators or assigns, for and during the term aforesaid, to take into his boat or boats any such passengers, horses, cattle, goods or chattels, at the said landing commonly called Murray's landing, on the north side of the said river, and transport the same to and from the south side of the same river, at such place or places as they can be most safely landed, as near the high-road as they can, and to ask, sue for, demand, levy, recover and receive, of and from every person and persons so transported, the several rates and prices hereinbefore mentioned for such service; any thing hereinbefore contained, or any other law, usage or custom, to the contrary notwithstanding.

In case of freshets.

VI. *And be it further enacted* by the authority aforesaid, That the said James Hunter, his executors, administrators and assigns, shall constantly keep posted up at some convenient and conspicuous place, to be seen by all persons passing the said ferry, a table of the rates which he or they have by this Act a right to receive for such persons as pass the said ferry, their horses, carriages, cattle, sheep and hogs, upon pain of forfeiting the sum of forty shillings, proclamation money, for every such neglect; to be sued for, recovered and applied, as is hereinbefore directed.

Table of rates of toll to be posted.

B. SMITH, *Speaker*.*In the Council Chamber, the 7th of April, 1759.**Assented to:* WILLIAM HENRY LYTTTELTON.

AN ACT FOR VESTING THE FERRY OVER ASHLEY RIVER IN EDWARD No. 914.

LEGGE, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR FOURTEEN YEARS.

WHEREAS, the law for establishing a ferry over Ashley river is expired, and there is a necessity for having the said ferry, and causeway leading thereto, kept in good order, for the better communication and intercourse with the southward parts of this Province—therefore

I. *Be it enacted*, by his Excellency Thomas Boone, Esq., Captain-

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*Acts relating to Roads, Bridges and Ferries.*Ashley ferry
rested in E.
Legge.

Conditions.

General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the ferry over Ashley river, commonly called Ashley ferry, leading from Charlestown to Stono and the southern parts of this Province, be, and the same is hereby declared to be, vested in Edward Legge, his executors, administrators and assigns, from the time of the passing of this Act, for and during and unto the full end and term of fourteen years, then next ensuing ; and that it shall and may be lawful to and for the said Edward Legge, his executors, administrators and assigns, during the said term, to demand, receive and take, to his and their own proper use, from all persons passing or repassing or making use of the said ferry, the several rates of ferriage and sums following, in proclamation money, or the value thereof in currency, viz : for every single person, one penny half penny ; for every man and horse, the sum of three pence ; for every chair, chaise and single horse, or cart and single horse, one shilling ; for every four wheeled chair or chaise or coach, or chariott and pair of horses, one shilling and six pence ; for a coach or chariott and four, two shillings ; for a coach or chariott and six, three shillings ; for every wagon and two horses, one shilling and six pence ; for every head of neat cattle or horses, ferried or swam over the said ferry, one penny half penny ; for every head of sheep, hogs or calves, one penny half penny. And the said Edward Legge, his executors, administrators or assigns, shall be, and they are hereby, obliged and required to make and keep the causey twenty feet wide at top, and to be raised one foot above high water mark at spring tides, leading through the marsh to the said ferry, in good and constant repair and condition, at his and their own costs and charge ; and shall also find and constantly keep a good substantial ferry boat or boats, with a stage or entering board, also a capstan and a sufficient rope across the river, and such other conveniencies as are at present used for transporting men, horses, cattle, coaches, carts and wagons over the said ferry ; and shall also find and constantly keep employed in the said boat and in the ferrying thereof over the said river, two able and sufficient men, who shall constantly attend the said ferry, as well by night as by day, to ferry over all passengers, their servants, slaves, horses and carriages, when and as often as there shall be occasion.

Penalty for ne-
glect.

II. *And be it further enacted* by the authority aforesaid, That in case any person or persons coming to the said ferry in order to pass over the same, shall meet with unreasonable delays, or be retarded in their passage over the said ferry, he, the said Edward Legge, his executors, administrators and assigns, shall forfeit and pay, for every such offence, to the person or persons so delayed, for every twenty minutes after the rate of eight shillings, proclamation money, or the value thereof in currency, to be recovered before any justice of the peace of Berkley county, as is provided by the Act for the trial of small and mean causes. *Provided*, that such forfeiture be sued for within ten days after such delay shall happen, and at no time after. And for the conveniency and shelter of persons coming down the said causey to the ferry from the inclemency of the weather, the said Edward Legge, his executors, administrators and assigns, shall be obliged to build and keep in repair, during all the said term, a shed sufficient to shelter travellers from rain and the sun, thirty feet long and twenty feet wide, on the river side.

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III. *And be it further enacted* by the authority aforesaid, That the Governor of this Province for the time being, his servants, attendants, equipage and horses, and all ministers of the gospel, all persons on Sunday going to or returning from any place of divine worship, all persons going to or returning from muster at any time appointed for muster of the militia, or in time of alarm, and all expresses or messengers sent in the service of the Government, and also all free Indians, are hereby exempted from paying any ferriage at the said ferry, for themselves, their servants or horses; any thing herein before contained to the contrary notwithstanding. Who to pass free.

IV. *And be it further enacted* by the authority aforesaid, That the said Edward Legge, his executors, administrators and assigns, shall be, and they are hereby, obliged to put the said causey in good and sufficient order, agreeable to the direction of this Act; within three years next after the passing of the same, under the penalty of losing the benefit of this Act, and of forfeiting the sum of five hundred pounds current money, to be recovered by action of debt, bill, plaint or information in any court of record in this Province, wherein no privilege, protection or wager of law shall be admitted or allowed; which said forfeiture shall be applied to the use of the person or persons that will inform or sue for the same. *Provided, always,* that such suit shall be commenced within six months after such forfeiture incurred, and at no time after. Causey to be completed in 3 years.

B. SMITH, *Speaker.*

In the Council Chamber, the 19th day of May, 1762.

Assented to:

THOMAS BOONE.

AN ACT FOR DIVIDING THE ROAD LEADING FROM THE UPPER SETTLEMENTS, NEAR THE CATAWBA NATION, TO NELSON'S, LATE BEARD'S, FERRY, INTO TWO DISTRICTS, AND APPOINTING A GREATER NUMBER OF COMMISSIONERS FOR THE SAID ROAD; AND FOR LAYING OUT A ROAD FROM SAUNDERS'S CREEK TO PEEDEE RIVER; ANOTHER FROM MURRAY'S FERRY TO NELSON'S, LATE BEARD'S, FERRY; AND ANOTHER FROM THE PLANTATION OF DENNIS HAGEN, IN CRAVEN COUNTY, TO MURRAY'S FERRY; AND FOR EMPOWERING THE COMMISSIONERS OF THE HIGH ROADS IN SAINT JAMES SANTEE, TO BUILD A NEW BRIDGE OVER WAMBAW CREEK, IN THE SAID PARISH; AND ALSO, EMPOWERING THE COMMISSIONERS OF THE HIGH ROADS FOR THE PARISH OF SAINT GEORGE, TO ALTER THE ROAD LEADING THROUGH THE VILLAGE OF DORCHESTER.

No. 916.

WHEREAS, the commissioners of the road leading from the upper settlements, near the Catawba Nation, on the north-east side of the Wateree river, to the place on Santee river commonly called Nelson's, late

Preamble.

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Beard's, ferry, by their humble petition to the General Assembly of this Province, setting forth the necessity of dividing the said road into two districts or divisions, pray that the same may be so divided, and the number of commissioners for it increased; and that the said commissioners may have power to lay out a road from Murray's ferry to the road leading to Nelson's, late Beard's; and another from Saunders's Creek, across Lynche's Creek, to Peedee River. And *whereas*, the inhabitants of the northern branch of Black River and Lynche's Creek, are desirous that a road from the plantation of Dennis Hagen, in Craven County, to Murray's Ferry, and other roads convenient and advantageous to the said inhabitants, may be laid out and made. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Road from Catawba to Nelson's ferry, divided into two districts.

I. *Be it enacted*, by his Excellency Thomas Boone, Esquire, Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the road leading from the upper settlements, near the Catawba Nation, on the north-east side of the Wateree river, to the place on Santee river commonly called Nelson's, late Beard's, ferry, shall be, and it is hereby, divided into two districts or divisions; and that the upper district or division of the said road be from the said upper settlements down to Rafting Creek; and the other district or division of the said road, from the said creek to the said ferry.

Road from Saunders's creek to Pee dee.

II. *And be it further enacted* by the authority aforesaid, That Samuel Wily, John Cantey, Samuel Millhouse, and Joseph Kershaw, four of the present commissioners of the said road, and Thomas Simpson, John Barclay, and Thomas Wade, shall be, and they are hereby appointed, commissioners of and for the said upper district or division of the said road; and that the said commissioners shall also be commissioners for laying out and making, and they, or a majority of them, are hereby authorized and empowered to lay out and make, and to keep in repair, when made, as direct and convenient a road as may be, from Saunders' creek, across Lynche's creek, to Peedee river.

From Murray's ferry to Nelson's.

III. *And be it further enacted* by the authority aforesaid, That Richardson, Esquire, Isaac Brunson, and Matthew Nelson, the other present commissioners of the said road, and David Davis, John Cantey, jr., Thomas Bosker, John McDonald, and Matthew Singleton, shall be, and they are hereby appointed, commissioners of and for the said lower district or division of the said road; and that they, the said commissioners, shall also be, and they are hereby appointed, commissioners for laying out and making, and they, or a majority of them, are hereby authorized and empowered to lay out and make, and to keep in repair when made, as direct and convenient a road as may be, from Murray's ferry to Nelson's, late Beard's, ferry.

From Hagen's to Murray's ferry.

IV. *And be it further enacted* by the authority aforesaid, That David Anderson, Moses Gordon, John Newman, Robert Lewis, Henry Cassells, Samuel Bradley, and James Conyers, shall be, and they are hereby appointed, commissioners for laying out and making, and they, or a majority of them, are hereby authorized and empowered to lay out and make, and to keep in repair when made, a road, as direct and convenient as may be, from the plantation of Dennis Hagen, in Craven county, to Murray's ferry; and such other roads in the parish of Saint Mark, as the said last mentioned

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commissioners, or a majority of them, shall think most convenient and advantageous to the inhabitants of the northern branch of Black river and Lynche's creek.

V. *And be it further enacted* by the authority aforesaid, That the several roads hereby appointed to be laid out and made, or which the said commissioners above mentioned, or any of them, are hereby empowered to lay out and make, shall be, severally and respectively, laid out, made and kept in repair, by and at the equal charge and labor of all the male inhabitants, between the ages of sixteen and sixty years, living within ten miles on either side of the said several and respective roads; and that in case any of the said inhabitants shall neglect or refuse to work in laying out and making the said roads, respectively, or keeping the same, when made, in repair, he or they shall be subject and liable to the same fines, penalties and forfeitures, as persons are by any law of this Province subject and liable to for refusing or neglecting to work in the making or repairing of roads. Who to work on said roads.

VI. *And be it further enacted* by the authority aforesaid, That the said inhabitants shall be summoned by the said commissioners, respectively, to work on such part of the said road as shall be nearest and most convenient to their respective plantations or habitations.

VII. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, within their several and respective districts and divisions aforesaid, shall have and use the same powers and authorities for executing the several matters and things which they are hereby authorized and empowered to do, as any other commissioners for high roads, creeks and water passages have, and that they shall be liable to the same penalties, fines and forfeitures, as are imposed or inflicted on any such commissioners for breach or neglect of duty. Powers of commissioners.

VIII. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall die or depart this Province or refuse to act, the majority of the remaining commissioners, within their several and respective districts and divisions aforesaid, shall be, and they are hereby, authorized and empowered to nominate and appoint some person or persons in his or their room and stead; and that the person or persons so nominated and appointed, shall have the like powers and authorities, and be liable to the like penalties, fines and forfeitures, as the commissioners herein named. Vacancies.

IX. *And whereas*, Wambaw Bridge, over Wambaw Creek, situated in the parish of Saint James Santee, Craven county, is so much out of repair and decayed, that there is a necessity for erecting and building a new bridge. *Be it therefore enacted* by the authority aforesaid, That the commissioners of the high roads for the parish of Saint James Santee, or any four of them, shall be, and they are hereby appointed and empowered to be, commissioners for erecting, raising and building, a new bridge over the said creek, at whatever part or place may appear to them to be most convenient and commodious for the erecting and building the same. And the said commissioners, or a majority of them, shall be, and they are hereby, invested with full power and authority to assess, levy and collect, from the inhabitants of the said parish of Saint James Santee, the charges for building, completing and finishing the said bridge; any thing to the contrary in any wise notwithstanding. Wambaw bridge to be rebuilt.

X. *And whereas*, it will be more advantageous to the town of Dorchester, and also more convenient for travellers passing and re-passing, if the

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Road from Eagle's bridge altered, to pass through Dorchester.

road leading from Eagle's bridge, upwards, was altered so as to run through the said town. *Be it therefore enacted* by the authority aforesaid, That the commissioners for the high roads for the parish of Saint George Dorchester, or a majority of them, shall, and they are hereby authorized and empowered to, alter the said road accordingly; and that the bridge commissioners for the said parish, shall, and they are hereby authorized and empowered to, move the bridge, called Vanuelson's Bridge, lower down the creek, so as to answer the said road, at the joint expense of the inhabitants of the said parish; any law, statute or usage to the contrary in any wise notwithstanding.

Public Act.

IX. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and may be given in evidence on the general issue; and that all courts of justice shall be obliged to take notice thereof without special pleading.

B. SMITH, *Speaker.**In the Council Chamber, the 29th day of May, 1762.**Assented to :*

THOMAS BOONE.

No. 917. AN ACT FOR FINISHING, COMPLETING AND KEEPING IN REPAIR, A ROAD ALREADY LAID OUT, FROM DAY'S CREEK BRIDGE, IN GRANVILLE COUNTY, TO THE PLANTATION OF JERMYN AND CHARLES WRIGHT, CALLED ROCHESTER, SITUATE ON SAVANNAH RIVER, IN THE SAID COUNTY; AND FOR ESTABLISHING A FERRY OVER THE SAID RIVER, FROM THE SAID PLANTATION OF THE SAID JERMYN AND CHARLES WRIGHT, TO THE PLANTATION OF JONATHAN BRYAN, IN GEORGIA.

Preamble.

WHEREAS, it has been represented to the General Assembly that the making of a public road from Day's Creek bridge, in Granville county, to the plantation of Jermyn and Charles Wright, called Rochester, situate on Savannah river, in the said county, and the establishing of a ferry over the said river, from the said plantation of the said Jermyn and Charles Wright to the plantation of the said Jonathan Bryan, in Georgia, will be very convenient and advantageous to the inhabitants of the southern part of this Province, and will likewise be the means of a more quick and ready communication between this Province and the Province of Georgia, in times of alarm and invasion: we therefore humbly pray his most sacred Majesty that it may be enacted, and

Road from Day's creek bridge to Rochester.

I. *Be it enacted*, by his Excellency Thomas Boone, Esq., Governor-in-chief and Captain-General in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That the commissioners hereinafter named shall, and they are hereby authorized, empowered and directed to, make, complete and finish, the road already laid out from Day's Creek bridge, in Granville county, to the

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plantation of Jermyn and Charles Wright, called Rochester, situate on Savannah river, in the said county ; and also, from time to time, to keep the same in good and sufficient repair.

II. *And be it further enacted* by the authority aforesaid, That all the male inhabitants from the age of sixteen to sixty years, residing on the south side of Day's creek, within four miles of such road, shall be, and they are hereby, obliged to make, complete and finish the said road, and keep the same in repair. And in case they, or any of them, shall neglect or refuse so to do, they shall be subject and liable to the same fines and forfeitures as any persons by Act of the General Assembly for the making of roads in this Province are made liable and subject unto. *Provided, always,* that such persons who are so made liable to work on the said road, shall be exempted and excused from working on any other public road ; any law, usage or custom, to the contrary thereof in any wise notwithstanding.

Who to work on it.

III. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named, or a majority of them, shall have, use and exercise, all the powers and authorities, for putting this Act in execution, which are given to any other commissioners for high-roads, by any Act or Acts of the General Assembly of this Province, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as such other commissioners are made subject and liable unto by any such Act or Acts as aforesaid.

Power of commissioners.

IV. *And be it further enacted* by the authority aforesaid, That Robert Williams, Jermyn Wright, Charles Wright, Daniel Heyward, and John Garvey, or a majority of them, shall be, and they are hereby nominated and appointed, commissioners for putting this Act into execution. And in case of the death, absence or resignation, of any of the said commissioners, it shall and may be lawful for the remaining commissioners, or any three of them, to choose and appoint another person or persons to be commissioner or commissioners in the room of him or them so dying, being absent, or resigning ; which person or persons, so chosen and appointed, shall have the same powers and authorities, for putting this Act in execution, and shall be subject and liable to the same penalties and forfeitures for neglect thereof, as the commissioners hereinbefore nominated are invested with or are subject and liable unto.

Commissioners and their powers.

V. *And be it further enacted* by the authority aforesaid, That a ferry for passengers, horses, chaises and chairs, shall be, and is hereby, established over Savannah river, from the said plantation of the said Jermyn and Charles Wright, called Rochester, in Granville county, to the said plantation of the said Jonathan Bryan, in Georgia ; and that the right, title, interest, profits and emoluments, of the said ferry, shall be, and are hereby, vested in the said Jermyn Wright and Charles Wright, their executors, administrators and assigns, for and during the term of seven years from the time of passing this Act. And the said Jermyn Wright and Charles Wright, their executors, administrators and assigns, shall be, and they are hereby, fully authorized and empowered to take and receive, to their own proper use and behoof, and to have and enjoy, all and singular the profits, perquisites and advantages whatsoever, to the said ferry belonging, or in any wise incident or appertaining, or arising or accruing, or which shall or may arise or accrue, by or from the same, in any wise howsoever.

Ferry established over Savannah, at Rochester, and vested in J. & C. Wright.

VI. *And be it further enacted* by the authority aforesaid, That the said Jermyn Wright and Charles Wright, their executors, administrators and

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Conditions.

assigns, shall be, and they are hereby, required, at their own proper cost and charge, constantly to provide and keep in good repair, a sufficient ferry-boat or ferry-boats, for carrying and transporting over the said river all passengers, horses, coaches, chariots, chaises and chairs, and other carriages; and also, a sufficient number of men, (of which one shall be a white man, (who shall constantly attend the said ferry, at all times of the day and night throughout the year, to transport and carry all passengers, horses, coaches, chariots, chaises and chairs, and other carriages, over the said ferry, when and as often as thereunto required.

VII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Jermyn Wright and Charles Wright, their executors, administrators and assigns, to demand, take and receive, to their own proper use and behoof, for ferriage, as aforesaid, the following rates, that is to say: for a foot passenger, two shillings; for a man and horse, four shillings; for a chariot or coach and two horses, ten shillings; for a chaise or chair, or cart, with one horse, six shillings, proclamation money, or the value thereof in currency.

VIII. *And be it further enacted* by the authority aforesaid, That in case any person who hath occasion to pass over the said river shall meet with unreasonable delay at the said ferry, or be retarded for want of the said ferry-boat or boats, or the persons hereby required to attend the same, the said Jermyn Wright and Charles Wright, their executors, administrators or assigns, shall forfeit and pay the sum of twenty shillings, proclamation money, for every hour's such delay, to the party grieved; to be sued for and recovered as is directed by the Act for the trial of small and mean causes.

IX. *And be it further enacted* by the authority aforesaid, That the said Jermyn and Charles Wright, their executors, administrators and assigns, shall be, and they are hereby, obliged to make and keep in repair one mile and a half of the said road and causey next to Savannah river, under the penalty of losing the benefit of this Act, and of forfeiting the sum of fifty pounds, proclamation money, to be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no privilege, protection or wager of law, shall be admitted or allowed; which said forfeiture shall be applied to the use of the person or persons that will inform and sue for the same.

X. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this Province for the time being, all persons in time of alarm or invasion, and all expressos or messengers sent in the service of this Government, be, and they are hereby, exempted from paying any ferriage at the said ferry for passing and re-passing the same, by themselves, their servants, horses, chaises and chairs; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

B. SMITH, *Speaker.**In the Council Chamber, the 29th day of May, 1762.**Assented to:*

THOS. BOONE.

Acts relating to Roads, Bridges and Ferries.

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AN ACT FOR ESTABLISHING A FERRY FROM THE PLANTATION OF GEORGE ROUPELL, ESQ., CALLED PATTERSON'S POINT, ON PORT ROYAL ISLAND, TO THE LAND NOW OF JOSHUA MORGAN, ON THE INDIAN LAND, AND FOR VESTING THE SAID FERRY IN THE SAID GEORGE ROUPELL, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM OF TEN YEARS; AND FOR ESTABLISHING ONE OTHER FERRY, FROM THE SAID LAND OF JOSHUA MORGAN TO THE SAID PLANTATION OF GEORGE ROUPELL, ESQ., AND FOR VESTING THE SAME IN THE SAID JOSHUA MORGAN, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE LIKE TERM. No. 921.

WHEREAS, a ferry from the plantation of George Roupell, Esq., on Port Royal Island, to Indian Land, and a ferry from Indian Land to the said plantation, hath been found very convenient to the inhabitants who reside in the south part of this Province, and to others travelling into those parts: we humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency Thomas Boone, Esq., Governor-in-Chief and Captain-General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That a public ferry be, and is hereby, established at the plantation of George Roupell, Esq., called Patterson's Point, from thence to the land of Joshua Morgan, on the Indian Land; which said ferry shall be, and is hereby, vested in the said George Roupell, his executors, administrators and assigns, for and during the term of ten years; and that one other public ferry shall be, and is hereby, established at the land of the said Joshua Morgan, upon the Indian Land, from thence to the said plantation of George Roupell, Esq., called Patterson's Point; which said last mentioned ferry shall be, and is hereby, vested in the said Joshua Morgan, his executors, administrators and assigns, for and during the said term of ten years

Ferries established at Patterson's Point and Morgan's, and vested in Roupell and Morgan.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said George Roupell, Esq., and Joshua Morgan, respectively, and for their several and respective executors, administrators and assigns, to take and receive, for the ferrying over persons, their horses and cattle, at the said ferry, respectively, the following rates or prices, and no more, that is to say: for any single person, five shillings; for any two or more, the sum of three shillings and nine pence each; for a man and horse, seven shillings and six pence; for a horse and chair, or horse and cart, fifteen shillings; for sheep, hogs or calves, the sum of two shillings per head; and for neat cattle, per head, ten shillings, in the current money of this Province.

Conditions.

III. *And be it further enacted* by the authority aforesaid, That the said George Roupell, Esq., his executors, administrators and assigns, shall always, during the said term of ten years, keep and maintain a good and sufficient ferry-boat, capable of carrying two men and two horses, at least, and two able servants or slaves to attend the ferry hereby invested in him, as well by night as by day, for the transporting all persons, their servants, horses and cattle, over the said ferry. And that the said Joshua Morgan,

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his executors, administrators and assigns, shall, in like manner, during the said term, keep and maintain one other good and sufficient ferry-boat, capable of carrying two men and two horses, at least, and two able servants or slaves to attend the ferry hereby vested in him, as well by night as by day, as aforesaid.

IV. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry within four miles of either of the said ferries, during the said term of ten years, unless the Legislature of this Province shall think fit to establish another ferry within the said four miles.

V. *And be it further enacted* by the authority aforesaid, That in case any person or persons tendering the said ferriage shall be delayed at either of the said ferries hereby established, for want of the attendance hereby enjoined and required, the person in possession of the ferry where such delay shall happen, shall forfeit and pay to the party grieved the sum of forty shillings, current money, for the first hour such party shall be unnecessarily delayed after such tender, and the further sum of five pounds, like money, for every hour after, to be recovered by warrant of distress, under the hand and seal of any justice of the peace of the county where the offence shall be committed, and sale of the offender's goods. *Provided*, that complaint thereof be made by the person so delayed within ten days after such delay, and not afterwards.

VI. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this Province for the time being, all ministers of the gospel, and all persons going to and from general musters of the militia, and all persons in time of alarm, and all expresses or messengers sent in the service of this government, and free Indians, be, and they hereby are, exempted from paying any ferriage at the said ferries, for passing and re-passing the same, by themselves, their servants and horses; any thing hereinbefore contained to the contrary thereof in any ways notwithstanding.

B. SMITH, *Speaker.**In the Council Chamber, the 29th day of May, 1762.**Assented to :*

THOS. BOONE.

No. 941. AN ACT FOR LAYING OUT A PUBLIC ROAD, FROM THE MUSTER-FIELD OF GODFREY'S SAVANNA, IN THE PARISH OF ST. BARTHOLOMEW, NORTH WESTARDLY ACROSS BLACK CREEK, AND THE GREAT SWAMP, BEING THE EASTERNMOST BRANCH OF SALTCATCHER RIVER, AND INTO THE FORK, AND TO THE GERMAN SETTLEMENTS, AND FOR APPOINTING COMMISSIONERS FOR THE SAME.

Preamble. WHEREAS, the inhabitants in the upper part of the Parish of Saint Bartholomew, and others interested therein, have, by their humble petition,

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prayed for a public road to be laid out from the public road at the muster-field at Godfrey's Savannah, north-westardly, across Black creek, and the Great swamp, being the easternmost branch of Saltcatcher river, and into the Great Fork, and to the German Settlements; we therefore pray your most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by the Honourable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That a public road be laid out from the public road at the muster-field at Godfrey's Savanna, north westardly across Black creek, at or near a place called Hunt's Cowpen, and across the Great swamp at or near Peter's land, and to extend to the German settlements; and that all the male inhabitants from the age of sixteen years to sixty, residing to the west, north and north-west of a direct line, to be run by the commissioners hereby appointed, from the said muster-field to the mouth of Black creek, and of the waters or main stream of Godfrey's Savannah, and the main branches of the Great swamp leading into it, shall be liable to make and keep in repair the said road, and shall not be liable to work on any other public road whatsoever.

Road from
Godfrey's Sa-
vannah, to the
German settle-
ments.

II. *And be it enacted*, by the authority aforesaid, That George Rants, James Donnam, Jonathan Donnam, John North, and John Hunt, be, and they are hereby appointed, commissioners to lay out and give directions for making the said road and keeping it in repair; and the said commissioners shall have the same power and authority, and be under the same restrictions, in laying out, making and repairing the said road, as any other commissioners of the high-roads and public paths in any other part of the Province are invested with or subject to; any law, usage or custom to the contrary notwithstanding.

Commissioners

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 9th day of August, 1765.

Assented to :

WILLIAM BULL.

AN ACT TO ESTABLISH A FERRY FROM LADY'S TO ST. HELENA ISLAND; No. 942.
ALSO FROM HOBCAW TO CHARLESTOWN; FROM DANIEL'S ISLAND TO CHARLESTOWN; FROM SOUTH EDISTO TO THE LAND OF WILLIAM DRAYTON, Esq.; FROM NEW WINDSOR TO AUGUSTA; AND FROM THE FERRY OF MOSES KIRKLAND, ON SALUDA RIVER, TO THE OPPOSITE SHORE; AND FOR ESTABLISHING A ROAD LEADING TO THE SAID LAST MENTIONED FERRY; AND FOR MAKING PARKER'S FERRY A PUBLIC FERRY; AND FOR ESTABLISHING A FERRY FROM MARR'S BLUFF TO THE OPPOSITE SHORE; AND TO APPOINT NEW COMMISSIONERS FOR REMOVING OBSTRUCTIONS IN THE WATEREE RIVER.

WHEREAS, a ferry from the plantation of Daniel Blake and Miles Brewton, Esqrs., on Lady's island, has been found very convenient to the

Preamble.

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inhabitants who reside in the south part of this Province, and to others travelling into those parts; we humbly pray his most sacred Majesty that it may be enacted, and

Ferry from
Lady's to St.
Helena island.

Vested in D.
Blake and M.
Brewton.

Conditions.

1. *Be it enacted*, by the Honourable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That a public ferry be, and is hereby, established at the plantation of Daniel Blake and Miles Brewton, Esqrs., from thence to the land now belonging to the estate of Isaac Waight, on St. Helena island; which said ferry shall be, and is hereby, vested in the said Daniel Blake and Miles Brewton, Esqrs., their executors, administrators and assigns, for and during the term of fourteen years.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Daniel Blake and Miles Brewton, Esqrs., their heirs, executors, administrators and assigns, to take and receive for the ferrying over persons, their horses and cattle, at the said ferry, the following rates and prices, and no more, that is to say, for every single person, three shillings and nine pence; for a man and horse, seven shillings and six pence; for a horse and chair, or horse and cart, fifteen shillings; for sheep, hogs or calves, two shillings per head; for neat cattle, per head, seven shillings and six pence, in the current money of this province.

III. *And be it further enacted* by the authority aforesaid, That the said Daniel Blake and Miles Brewton, Esqrs., their executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry boat or boats for the purpose aforesaid, to attend the ferry hereby invested in them, as well by night as day, for transporting all persons, their servants, horses and cattle, over the said ferry.

IV. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry within four miles of the said ferry, during the said term of fourteen years, unless the Legislature of this Province shall think fit to establish another ferry within the said four miles.

V. *And be it further enacted* by the authority aforesaid, That in case any person or persons, tendering the ferriage, shall be delayed at the said ferry hereby established, for want of the attendance hereby enjoined and required, the person in possession of the ferry shall forfeit and pay to the party grieved, the sum of forty shillings, current money, for the first hour such party shall be unnecessarily delayed after such tender, and the further sum of five pounds, like money, for every hour after, to be recovered by warrant of distress, under the hand and seal of any justice of the peace of the county where the offence shall be committed, and sale of the offender's goods. *Provided*, that complaint thereof be made by the person so delayed within ten days after such delay, and not afterwards.

From Lampri-
ere's to Char-
leston, over
Cooper river.

Vested in C.
Lampriere.

VI. *And whereas*, the establishing a ferry over Cooper river, from the plantation of Clement Lampriere to Charlestown, is necessary for travellers to and from the northern parts of this province: *Be it therefore enacted* by the authority aforesaid, That a ferry for passengers, horses, chairs and chaises, shall be, and is hereby, established over Cooper river, from the plantation of the said Clement Lampriere, in Christ Church parish, to Charlestown; and that the right, title, interest, profit and advantage of the said ferry, shall be, and is hereby, vested in the said Clement Lampriere,

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Conditions.

his executors, administrators and assigns, for and during the term of fourteen years from the time of passing this Act; and the said Clement Lampriere, his executors, administrators and assigns, shall be, and he and they is and are hereby, fully authorized and empowered to take and receive to his and their own proper use and behoof, and to have and enjoy, all and singular the profits, perquisites and advantages whatsoever, to the said ferry belonging or in anywise appertaining.

VII. *And be it further enacted* by the authority aforesaid, That the said Clement Lampriere, his executors, administrators and assigns, shall be, and he and they is and are hereby, required, at his and their own cost and charge, to provide and constantly to keep in good repair, sufficient ferry boats, for carrying and transporting over the said river all passengers, horses, chairs and chaises; and also, a sufficient number of men, who shall constantly attend the said ferry, at all times of the day and night throughout the year, to carry over all passengers, horses, chairs and chaises, when and so often as thereunto required.

VIII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said Clement Lampriere, his executors, administrators and assigns, to demand, take and receive, to his and their own proper use, by way of toll, the following rates, that is to say, for a foot passenger, ten shillings, current money; for a man and horse, twenty shillings; for a chair or chaise, twenty five shillings; for any four wheel carriage, fifty shillings; for every head of grown cattle, twenty shillings.

IX. *And be it further enacted* by the authority aforesaid, That in case any person who hath occasion to pass over the said ferry, shall meet with unreasonable delay at the said ferry, or be retarded for want of the said ferry boats, or the persons hereby required to attend the same, the said Clement Lampriere, his executors, administrators or assigns, shall forfeit and pay to the party grieved, the sum of five pounds, current money, for the first hour, and ten pounds, like money, for every hour after, that such delay continues.

X. *And whereas*, a ferry over Cooper river, from the plantation of Joseph Scott, in the parish of St. Thomas and St. Dennis, to Charlestown, or to the plantation of William Fullwood, on Charlestown neck, hath been found convenient to persons residing on the east side of the said river: *Be it further enacted* by the authority aforesaid, That a public ferry be, and is hereby, established at the land of the said Joseph Scott, lying and being on the east side of Cooper river, and from thence to Charlestown, and to the plantation of William Fullwood, on Charlestown neck; which said ferry shall be, and is hereby, vested in the said Joseph Scott, his heirs, executors, administrators or assigns, for and during the term of fourteen years, subject to the same penalties, rules, regulations and restrictions, as are hereinbefore mentioned and declared, and at and under the following rates and ferriages, to be paid to the said Joseph Scott, his heirs, executors, administrators and assigns, viz: to and from Charlestown, for one person, twenty shillings; a chair, forty shillings; a horse and chair, three pounds; a horse, twenty shillings; to and from the plantation of William Fullwood, on Charlestown neck, for one person, five shillings; a chair, ten shillings; a horse and chair, twenty shillings; a horse, ten shillings.

XI. *And whereas*, a ferry commonly called Clement's, over Pon or South Edisto river, to the land of William Drayton, Esq., hath been found very convenient for passengers to and from the plantations and settlements at the round O and Horse-shoe. *Therefore be it further enacted*, by the

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Ferry over S.
Edisto, at
Drayton's.

authority aforesaid, That a public ferry be, and is hereby, established at the land of the said William Drayton, lying on the said river, and from thence to the opposite shore; which said ferry shall be, and is hereby, vested in the said William Drayton, his executors, administrators and assigns, for the term of fourteen years, at and under the following rates and ferriages, to be paid to the said William Drayton, his executors, administrators and assigns, viz: for any single person, ferried over the said ferry, seven shillings and six pence; for a man and horse, one shilling and three pence; for a chair and horse, or cart and horse, five shillings; for sheep, hogs, calves and neat cattle, per head, seven shillings and six pence, in the current money of this Province; and subject to the same penalties, rules, regulations and restrictions, as are herein before mentioned and declared.

From New
Windsor to
Augusta.

XII. And *whereas*, the establishing a ferry over Savannah river, from the township of New Windsor to Augusta, from Fort Moore, in New Windsor, will be of great use and advantage to the inhabitants, and all other persons travelling in those parts: *Be it therefore further enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established for the transporting of passengers, horses and cattle over Savannah river, from New Windsor to the opposite side of the said river, and be vested in John Stuart, of New Windsor, his executors, administrators and assigns, for the term of fourteen years; and that it may be lawful to and for the said John Stuart, his executors, administrators and assigns, during all that time to demand, have, receive and take, to his and their own proper use, of and from all manner of persons passing and repassing at the said ferry, the several rates and sums following, that is to say, for a foot passenger, one shilling and six pence; for every horse, one shilling and six pence; for neat cattle, by the head, one shilling; for hogs or sheep, per head, six pence; for transporting goods, every hundred pounds weight, one shilling, current money of this Province; for which several rates and sums, the said John Stuart, his executors, administrators and assigns, after demand and refusal of the same, may detain in his custody the goods or chattels of any person so refusing to pay ferriage, until satisfaction shall be made for the said rates and sums becoming due as aforesaid, and on such detainer, to apply to any of his Majesty's justices of the peace, who are hereby authorized and empowered, on such application, to issue a warrant of distress against the goods and chattels of such person, and to cause the said rates and sums to be levied by sale of the said goods, returning the overplus, if any, to the owner.

XIII. And *be it further enacted* by the authority aforesaid, That the said John Stuart, his executors, administrators and assigns, shall be, and they are, obliged and required constantly to provide and keep in good repair a sufficient ferry boat or boats, for carrying and transporting over the said river, passengers, horses, cattle and goods, and also, two able men who shall constantly attend the said ferry, at all times of the day and night throughout the year, to transport and carry over all persons, horses, cattle and goods, when and so often as they shall be required, subject to the same penalties, rules, regulations and restriction, as are hereinbefore mentioned and declared.

XIV. And *whereas*, a ferry from the plantation of Moses Kirkland, on Saluda river, in Berkley county, hath been found very convenient to the inhabitants living and residing in those parts, and it is also absolutely necessary and advantageous to the whole Province, that several roads be

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made and laid out, in or near the Fork between Broad and Saluda rivers, and parts adjacent, as hath been prayed by the petition of the said inhabitants, presented to the General Assembly: *Be it further enacted*, by the authority aforesaid, That a public ferry be, and it is hereby, established, at the plantation of the said Moses Kirkland, from thence to the opposite shore, to the land now belonging to the said Moses Kirkland; which said ferry shall be, and is hereby, vested in the said Moses Kirkland, his executors, administrators and assigns, for and during the term of fourteen years, at the following rates and prices, viz. for any single person, one shilling and three pence; for a man and horse, two shillings and six pence; for a horse and chair, ten shillings; for a cart and horses, fifteen shillings; for a wagon and horses, twenty-five shillings, current money; and under the like penalties, rules, regulations and restrictions, as are hereinbefore limited and appointed.

Ferry over Saluda, at Kirkland's.

XV. *And be it also enacted*, that a road be laid out and made through the said fork, from Gordon's Fort, on Enoree river, to the said ferry of the said Moses Kirkland, on Saluda river aforesaid, and that the said Moses Kirkland, Captain Thomas Kennerly and Zachariah Hollandstread, be, and they are hereby appointed, commissioners of the said road, from the Wateree creek to the said ferry; and that Captain Thomas Bond, Adam Sommers, and John Galman, be, and they are hereby appointed, commissioners of the said road, for that part thereof lying between Cannon creek and the said Wateree creek; and that Captain Edward Musgrove, Captain Thomas Gordon, and Captain Daniel Horsey, be, and they are hereby appointed, commissioners of the upper part of the said road, leading from Gordon's Fort aforesaid, to the said Cannon's creek.

Road from Gordon's Fort to said ferry.

XVI. *And be it further enacted*, that all the male inhabitants, from sixteen to sixty years of age, (within the said fork, as high as Weaver's ferry,) and within six miles of the said road above Cannon's creek, on either side, shall work on the said road; (those inhabitants who live and reside on Saluda river, above Weaver's ferry aforesaid, only excepted.) And the said commissioners, and the commissioners for the time being, shall and may use, exercise and enjoy the like powers and authorities, and shall be under the same rules, regulations and restrictions, as are given and allowed to any other commissioners of high-roads in this Province; any law, usage or custom to the contrary thereof, in any wise notwithstanding.

Who to work on it.

XVII. *And whereas*, the law for establishing the ferry over Pon Pon river, commonly called Parker's ferry, is expired. *Be it therefore enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established over the said river, and the same is hereby vested in Thomas Ferguson, Esq., the present proprietor and owner of the lands situated on both sides of the ferry, his heirs, executors, administrators and assigns, for and during the term of fourteen years, subject to the like penalties, forfeitures, conditions and provisoes, as is herein before appointed in and for the other ferries established by this Act; and that it shall and may be lawful for the said Thomas Ferguson, his heirs, executors, administrators and assigns, to take and receive, demand and recover, the same toll and fare, for all passengers passing and repassing the said ferry with horses, carriages and other things, as was heretofore allowed and appointed by law for the same.

Parker's ferry, over Pon Pon.

XVIII. *And whereas*, it is absolutely necessary and convenient, for the inhabitants and others of Black Mingo, Peedee, and parts adjacent, that a

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Ferry at Marr's Bluff.

ferry should be established from Marr's Bluff, in Craven county, to the opposite shore. *Be it therefore further enacted*, by the authority aforesaid, that the said Ferry be, and is hereby, vested in John Murray, Esq., his executors, administrators and assigns, for and during and unto the full end and term of fourteen years, at and under the following rates, viz: for a single person, one shilling and three pence; for a horse, one shilling and three pence; for a horse and chair, or horse and cart, two shillings and six pence; for a four wheel carriage, five shillings; for hogs, sheep and neat cattle, one shilling per head; and that the said ferry be under the same rules, regulations and restrictions, as is hereinbefore mentioned.

Commissioners for Wateree river.

XIX. *And whereas*, in and by a certain Act of Assembly, passed the twenty-first day of April, in the year of our Lord one thousand seven hundred and fifty-three, Samuel Wylly, Robert Milhouse, Jared Neilson, Mathew Neilson and James McGirt, were appointed commissioners for the purposes therein mentioned, and it was thereby enacted, that the said commissioners, or a majority of them, should have power and authority, and they were thereby fully authorized, impowered and directed, as soon as conveniently might be, after the passing of the said Act, to take away the rafts and other obstructions in Wateree river, or to make the said river navigable, by cutting a water passage in any other manner, as they should judge most expedient. *And whereas*, no power or authority was given by the said Act, to the said commissioners, after they had once removed the said rafts and other obstructions, and made the said river navigable, and cut the said water passages, to keep the same clean, and in good constant repair. *And whereas*, the commissioners mentioned in the said Act, except James McGirt, are dead or refuse to act. *Be it therefore enacted*, that such of the said commissioners, in the said Act mentioned, as are now alive, except the said James McGirt, be, and they are hereby, discharged from being commissioners under the said act. *And be it enacted*, that the said James McGirt, together with Joseph Kershaw, Ely Kershaw, John Chesnut, Isaac Ross, John Cantey, and Malachia Weston, or a majority of them, shall be commissioners for putting the said Act, and the powers and authorities herein given, in execution.

XX. *And be it enacted* by the authority aforesaid, That the said commissioners hereinbefore appointed, shall have all the power and authority given to the commissioners in the said Act mentioned; and they, and the majority of them, are hereby impowered and directed, as soon as may be, after the passing of this Act, to take away all rafts and other obstructions in the said river, and to make the said river navigable, by cutting one or more water passages in the said river, and to cleanse and keep navigable the same, from time to time, as shall be found necessary; and, in general, to put in execution every clause, matter and thing in the said Act mentioned, relating to the said rafts, obstructions and water passages, in such manner as shall appear to them, or the majority of them, necessary and expedient.

Who to work on it.

XXI. *And be it further enacted* by the authority aforesaid, That all the male inhabitants from the age of sixteen to sixty years, living and residing on either side of the said river, within ten miles of the same, and not more than fifty miles above the said rafts and water passages, respectively, shall be, and they are hereby, obliged and required, from time to time forever hereafter, to work in removing the said rafts and other obstructions, and making the said river navigable, and in making, cleansing, and keeping in repair, the said water passage or passages, as the said commissioners shall judge necessary.

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XXII. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this Province for the time being, all ministers of the gospel, and all persons going to and from general musters of the militia, and all persons in time of alarms, and all expresses or messengers sent in the service of this government, and free Indians, be, and they are hereby, exempted from paying any ferriage at the said ferries, for passing and repassing the same, by themselves, their servants and horses; any thing hereinbefore contained to the contrary thereof, in any wise notwithstanding.

Who may pass the ferries free.

RAWLINS LOWNDES, *Speaker.**In the Council Chamber, the 9th day of August, 1765.**Assented to :*

WILLIAM BULL.

AN ACT FOR ESTABLISHING A PUBLIC ROAD TO LEAD FROM THE FERRY No. 949. COMMONLY CALLED JOHN M'CORD'S FERRY, ON THE CONGAREE RIVER, TO FISHING CREEK, ON THE CATABAW RIVER; AND, LIKEWISE, FOR ESTABLISHING AND MAKING PUBLIC A ROAD COMMONLY CALLED LEE'S ROAD, WHICH LEADS FROM THE EXTREME PART OF THIS PROVINCE TO HOWELL'S FERRY, ON THE CONGAREE RIVER, THENCE TO BEAVER CREEK, AND THENCE TO CONGAREE ROAD; AND ALSO, FOR MAKING PUBLIC, AND VESTING IN JOHN M'CORD, THE PROPRIETOR OF THE LAND ON THE OPPOSITE SIDE OF THE SAID JOHN M'CORD, ZEBULUN GUANT, SAMUEL WYLEY, AND GRACE RUSSELL, RESPECTIVELY, THE SEVERAL FERRIES THEREIN MENTIONED.

WHEREAS, it is necessary that the roads and ferries hereinafter mentioned should be established and made public, for the convenience of many of the back settlers in this Province: we therefore humbly pray your most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Governor-in-chief and Captain-General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That John M'Cord, John Russell, James Ross, Henry Hunter, Malachi Weston, Zebulun Guant, and William Harris, shall be, and are hereby nominated and appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, impowered and required, to lay out, make and keep in repair, a road to lead from John M'Cord's ferry, on the west side of the Wateree river, up the country, to the place called Fishing creek, on the Catabaw river, so far as the Province extends.

Road from Mc-Cord's ferry to Fishing creek.

II. *And be it further enacted* by the authority aforesaid, That all male

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inhabitants, from the age of sixteen to sixty, on the west side of the Wateree river, and within ten miles of the said road, shall be, and they are hereby, obliged to make the said road, and keep the same in repair.

Road from
Lee's Fort to
Howell's Ferry,
&c.

III. *And be it further enacted* by the authority aforesaid, That Thomas Fletchall, Esq., Zachariah Bell, John Lee, Robert Goodwin, William Howell, Conrad Jumper, William Scott, William York, and John Hamilton, shall be, and are hereby nominated and appointed, commissioners for, and they are hereby impowered and required to lay out, make and keep in repair, a road to lead from the extreme part of the Province, near Lee's Fort, through the fork of the Catabaw river, to Howell's ferry, on the Congaree river, and from the said last mentioned ferry to Beaver creek, and thence to the Congaree road, at or near the plantation of George Deightell.

Who to work
on said roads.

IV. *And be it further enacted* by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty, within ten miles of each side of the said road to be made and laid out, shall be, and they are hereby, obliged to make the said last mentioned road, and to keep the same in repair. And in case any of the inhabitants obliged by this Act to work on the said roads, respectively, shall neglect or refuse to do the same, they and every of them shall be liable to the same fines and forfeitures as any persons by Act of General Assembly for making roads are.

Powers of com-
missioners.

V. *And be it further enacted* by the authority aforesaid, That the commissioners hereinbefore named, or the majority of them, respectively, shall have, use and exercise, all the powers and authorities, for putting the foregoing part of this Act in execution; which are given to any other commissioners for high-roads, and be subject to the same penalties inflicted on any commissioners of high-roads, by any Act of the General Assembly of this Province.

General issue
may be plead-
ed.

VI. *And be it further enacted*; That in case the said commissioners, or any of them, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, and other persons so sued or prosecuted, to plead the general issue; and give this Act and the special matter in evidence; any law, usage or custom, to the contrary notwithstanding.

Ferries estab-
lished at Mc-
Cord's,
Wright's, and
Howell's.

VII. *And be it further enacted* by the authority aforesaid, That there shall be, from and immediately after the ratification of this Act, for the public use and benefit of all and singular the inhabitants and others passing and re-passing in this Province, one ferry fixed and established on Congaree river, at the place now called John M'Cord's ferry; one other ferry fixed and established on the Wateree river, at the place formerly called Wright's; and one other ferry fixed and established at the place called Howell's ferry, on the Congaree river. All persons using any of the said ferries paying at each of the said ferries, respectively, the several rates and prices hereinafter mentioned, limited and appointed, that is to say: for a foot passenger, one shilling and three pence; for a single horse, one shilling and three pence; for a man and horse, two shillings and six pence; for neat cattle, per head, ferried or swam, twelve pence; for calves, sheep or hogs, twelve pence; like money, per head; for a wagon and team of horses, with the drivers, twenty-five shillings. All which rates and prices shall be paid and received from all persons; (Indians in amity with this government excepted,) at all times, except in times of alarm, when the ferryage shall be free; and also, except such person and persons who shall be

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going to or coming from divine service, who shall pass and re-pass the said ferries, respectively, free.

VIII. *And be it further enacted* by the authority aforesaid, That the said ferry hereby established on Congaree river, at the place called John M'Cord's ferry, from the said John M'Cord's to the opposite shore, shall be, ^{In whom said ferries vested.} and is hereby, vested in the said John M'Cord, his executors, administrators and assigns; and from the opposite shore to John M'Cord's land, shall be, and is hereby, vested in the proprietor of the land on the opposite shore, to the said M'Cord's land, his executors, administrators and assigns, for the term of fourteen years; and also, that the said ferry formerly called Wright's, hereby established on the Wateree river, shall be, and is hereby, vested in the said Zebulun Gaunt and Samuel Wyley, their executors, administrators and assigns, for the term of fourteen years.

IX. *And be it enacted* by the authority aforesaid, That the road laid out from the said ferry, on the west side of Wateree river, to the road herein- ^{Road from M'Cord's Ferry.} before first mentioned, shall be deemed and taken to be a public road, and shall be under the care and direction of the commissioners herein first mentioned, and shall be kept in repair by the same persons who are obliged to work upon and keep in repair the road herein first before mentioned.

X. *And be it further enacted*, That the said ferry called Howell's ferry, ^{Howell's Ferry.} on the Congaree river, shall be, and is hereby, vested in Grace Russell, her executors, administrators and assigns, for the term of fourteen years next ensuing the ratification of this Act, and from thence to the end of the next session of the General Assembly. Each of them, the said John M'Cord, the proprietor of the said land on the opposite shore of the said John M'Cord, Zebulun Gaunt, Samuel Wyley, and Grace Russell, and their respective executors, administrators and assigns, finding, providing and keeping at each of said ferries, respectively, during all the said term, a good and sufficient ferry-boat and canoe, with two or more servants or negroes, fit and necessary for the transporting all passengers, their servants, horses, wagons, carriages, cattle and effects; and that it shall and may be lawful to and for each of them, the said John M'Cord, the proprietor of the said land on the opposite shore of the said John M'Cord, Zebulun Gaunt, Samuel Wyley, and Grace Russell, and each of their executors, administrators and assigns, during the said term, to ask, demand and receive of and from all and every person and persons passing and re-passing at any of the said ferries, (except as before excepted,) the several and respective rates and prices hereinbefore mentioned, limited and appointed, at each of the said ferries, respectively; and in case of failure of payment thereof, to recover the same by warrant, under the hand and seal of any one justice of the peace, according to the method prescribed in the Act for the trial of small and mean causes. ^{Duty of owners of said ferries.}

XI. *And be it further enacted* by the authority aforesaid, That each of them, the said John M'Cord, the proprietor of the land on the opposite side of the said John M'Cord, Zebulun Gaunt, Samuel Wyley, and Grace Russell, and each of their executors, administrators and assigns, respectively, or other person or persons appointed by them, or any of them, to have the care and management of each of the said ferries, respectively, shall give constant and due attendance at each of the said ferries, respectively, as well by day as by night. And if any person or persons shall be detained at any of the said ferries, through neglect of any of the said last named persons, respectively, or any of their executors, administrators or assigns, or other person to be appointed by any of them to keep the said respective

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ferries, or any of them, then, and in such case, the said several persons, respectively, and their several and respective executors, administrators and assigns, or other person to be appointed by them, or any of them, to keep such ferry where any person or persons shall be delayed, as aforementioned, shall forfeit and pay to such person and persons so delayed the sum of two pounds for the first hour, and ten pounds for every hour after; to be recovered by warrant from any one justice of the peace, on the oath of the party delayed, or any other witness whom he or she shall produce; and the said justice of the peace shall issue his summons against the party complained of, and shall proceed in the same way and manner as is directed by the law for the trial of small and mean causes.

P. MANIGAULT, *Speaker.**In the Council Chamber, the 2d day of July, 1768.**Assented to:*

C. G. MONTAGU.

- No. 950. AN ACT FOR ERECTING A BRIDGE OVER SALTCATCHER RIVER; AND FOR ESTABLISHING A FERRY OVER COMBAHEE RIVER, AND VESTING THE SAID FERRY IN STEPHEN BULL, OF SHELDON, ESQUIRE, AND HIS HEIRS AND ASSIGNS, FOR THE TERM OF FOURTEEN YEARS.

Preamble.

WHEREAS, the inhabitants of Saint Bartholomew's Parish, by their petition to the General Assembly, have prayed that a law may be passed for building a bridge over Saltcatcher River, at the place where M'Kewn's ferry is now kept; and *whereas*, it is necessary that a ferry should be established where the bridge lately stood, on Combahee River, in lieu of the said bridge; and Stephen Bull, of Sheldon, Esquire, by his petition to the Commons House of Assembly, hath prayed that the said ferry may be vested in him, his heirs and assigns. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Bridge over
Saltcatcher, at
McKewn's.

I. *Be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain General, Governor and Commander-in-Chief, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the commissioners hereinafter named, shall cause to be built and erected a good and substantial bridge over Saltcatcher River, at or about the place where M'Kewn's ferry is now kept; and that the said bridge shall be built and kept in repair at the charge and expense of the inhabitants and owners of slaves in Saint Bartholomew's and Prince William's Parishes, to be levied on all the male inhabitants of the said parishes, from the age of sixteen to sixty years; and the said commissioners are hereby required and empowered, from time to time as there shall be occasion, to make an assessment on the said inhabitants for defraying the said expense.

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II. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any three of them, shall and may have, use and exercise, the same powers and authorities, respectively, in building and erecting the said bridge, and in making assessments for defraying the expense of building and keeping it in repair, as the several commissioners of high roads or public paths have in this Province by any Acts of Assembly; and that John Hunter, Esquire, Henry Hyrne, George Rents, Jonathan Donnam, and Colonel Andrew Devaux, be, and they are hereby appointed, commissioners for putting in force such part of this Act as relates to the said bridge.

Commissioners
and their pow-
ers.

III. *And be it also enacted* by the authority aforesaid; That a ferry shall be, and is hereby, established for transporting passengers; horses, cattle and carriages over Combahee river; from Combahee causey to the opposite shore, and from the opposite shore to the said causey, where a bridge lately stood, in lieu of the said bridge; and that the right, title, interest and advantage of the said ferry, shall be, and are hereby, vested and settled in the said Stephen Bull, Esquire, his executors, administrators and assigns, for and during the term of fourteen years.

Ferry over
Combahee.

IV. *And be it further enacted*; That the said Stephen Bull, and his executors, administrators and assigns, shall and may demand, receive and take, sue for and recover, to his or their own use, the several rates and sums following, that is to say:—for every single person, fifteen pence; for every horse, fifteen pence; for every chair, chaise and empty cart, seven shillings and six pence; for every loaded cart, coach; charriot or wagon, fifteen shillings; for every head of neat cattle, ferried or swam; fifteen pence; for every head of hogs, sheep or calves, seven pence half penny, in the current money of this Province. *Provided, always*, that the Governor of this Province for the time being, his servants, attendants; equipage and horses, all ministers of the Gospel, all persons going to or from divine worship, or musters, or passing in times of alarm, all expresses or messengers in the service of the Government, and all free Indians, are hereby exempted from paying ferriage at the said ferry.

Toll.

V. *And be it further enacted*, That the said Stephen Bull, his executors, administrators and assigns, shall, during the term aforesaid, provide and keep a good and substantial ferry boat or boats, with a stage or entering board; and also, a capetan and a sufficient rope across the river; and also, a canoe and two able men to attend the said ferry, for transporting passengers, their horses and carriages; as well by night as by day. And for the conveniency and shelter of persons coming down the said causey from the inclemency of the weather; the said Stephen Bull; his executors, administrators and assigns, shall be obliged, forthwith, to build, and to keep constantly in repair, a shed, sufficient to shelter travellers from sun and rain, thirty feet long and twenty feet wide, on the causey near the side of the said river.

Duty of owner
of said ferry.

VI. *And be it further enacted*, That if any person coming to the said ferry to pass the same, shall meet with unreasonable delay, or be retarded in passing the said ferry, the said Stephen Bull, his executors, administrators and assigns, shall forfeit and pay, for every such offence, to the person so delayed, for the first hour, forty shillings, current money, and ten pounds, like money, for every hour afterwards; to be recovered before any justice of the peace in Colleton county, if sued for in ten days after the offence committed.

Penalty for ne-
glect.

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VII. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be of force for fourteen years from the time of the passing thereof, and no longer.

P. MANIGAULT, *Speaker.**In the Council Chamber, the 2d day of July, 1766.**Assented to :*

C. G. MONTAGU.

No. 953. AN ACT FOR ERECTING A BRIDGE OVER WAPETAW CREEK, ESTABLISHING A NEW ROAD TO AND FROM THE SAID BRIDGE, AND FOR DISCONTINUING THE OLD BRIDGE OVER THE SAID CREEK, AND PART OF THE OLD ROAD LEADING TO AND FROM THE SAID OLD BRIDGE; AND FOR PUTTING THE ROAD LEADING FROM THE PLANTATION OF CLEMENT LAMPRIERE, ESQUIRE, AT HOBCAW, TO THE PUBLIC ROAD LEADING TO THE PARISH CHURCH OF CHRIST CHURCH, UNDER THE DIRECTION OF THE BOARD OF COMMISSIONERS OF THE SAID PARISH.

Preamble.

WHEREAS, many of the inhabitants of Christ Church Parish, by their humble petition to the Commons House of Assembly, set forth that the bridge which was formerly erected over Wapetaw Creek, hath been, for some time, destroyed, and that it will be more commodious and less expensive to have a new bridge erected, about a mile higher up the said creek; and a new road, to and from the said bridge, laid out and established; and thereupon prayed that a law may be passed for those purposes. We therefore pray your most sacred Majesty that it may be enacted, and

Bridge over
Wapetaw
creek.

I. *Be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain-General and Governor-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That Clement Lampriere, Esquire, Robert Dorrel, George Huggins, George White, John Murrill, John Boone, and Levi Durand, be, and they are hereby appointed, commissioners, and they, or a majority of them, shall, forthwith, cause to be built and erected, a good and substantial bridge over Wapetaw Creek, about a mile higher up the said creek than where the old bridge lately stood; and that the said bridge shall be built and kept in repair at the charge and expense of such of the inhabitants and owners of slaves in the said parish, as were liable to defray the expense of making and keeping in repair the said old bridge.

Road thereto.

II. *And be it also enacted*, That the said commissioners, or a majority of them, shall be, and they are hereby, empowered and required to lay out, establish and complete, at the expense of all the male inhabitants and owners of slaves in the said parish, from the age of sixteen to sixty years, a public road, to and from the said new bridge, in such manner as the said

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commissioners shall find most proper and convenient for persons travelling that way; and that when the said new road shall be laid out, established and completed, the several persons who were liable to work on and keep in repair the old road leading to and from the said old bridge, shall be liable to ^{Who to work} make and keep in repair the said new road; and that from thenceforth on it, &c. the commissioners of the high roads in the said parish for the time being, shall be the commissioners for the said bridge and road. And that as soon as the said new bridge shall be erected, and the said new road made, the said old bridge and road shall be discontinued, and no person thereafter liable to work on or keep the same in repair; and also, that the said commissioners for building the said bridge, and for laying out and establishing the said road, shall have as full powers and authorities, in erecting, making and establishing the said bridge and road, as any commissioners of high roads and bridges in this Province have, by any law, usage or custom.

III. And *whereas*, the public road in the said parish, from the plantation, formerly, of William Watson, deceased, and now belonging to Captain ^{Road from} Lampriere, commonly called Hobcaw, to the public road in the said parish ^{Hobcaw to the} leading to Church, near the plantation of Major Bond, for some years past ^{Church.} hath been under the direction of private commissioners, by law appointed, who have neglected the same, in such manner that the said road is now much out of repair, and probably will remain so, unless remedied. *Be it therefore enacted* by the authority aforesaid, That the several Acts and clauses of Acts of the General Assembly of this Province, heretofore made concerning the said road being under the direction of private commissioners, shall, and the same are hereby declared to, be repealed, null and void, to all intents and purposes. And the said road, for the future, shall be under the direction and power of the board of Commissioners for the said parish, in the same way and manner as the other high roads in the said parish are, and as if the said Acts and clauses of Acts had never been made.

P. MANIGAULT, *Speaker.**In the Council Chamber, the 18th day of April, 1767.**Assented to:*

C. G. MONTAGU.

AN ACT FOR ESTABLISHING A FERRY OVER PORT ROYAL RIVER, FROM No. 955.
BEAUFORT TO WHITE HALL, ON LADY'S ISLAND.

WHEREAS, the establishing a ferry from Beaufort, Port Royal, to White Hall, on Lady's Island, will be very convenient to the inhabitants of Beaufort and Saint Helena and Lady's Island. We humbly pray your most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain-General, Governor and Commander-in-chief ^{Ferry from} in and over his Majesty's Province of South Carolina, by and with the ^{Beaufort to} advice and consent of His Majesty's Council, and the Commons House ^{White Hall.}

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Conditions.

of Assembly of the said Province, and by the authority of the same, That a public ferry be, and is hereby, established from the town of Beaufort, Port Royal, to White Hall, on Lady's Island; which said ferry shall be, and is hereby, vested in William Harvey, of Beaufort, his executors, administrators and assigns, for and during the term of seven years.

II. *And it is also enacted* by the authority aforesaid, That it shall and may be lawful to and for the said William Harvey, his executors, administrators and assigns, to take and receive, for the ferrying over persons, their horses, carriages and cattle, at the said ferry, the following rates and prices, and no more, that is to say:—for every single person, three shillings and nine pence; for a man and horse, seven shillings and six pence; for a horse and chair, or horse and cart, fifteen shillings; for a four wheel carriage, twenty-five shillings; for sheep, hogs or calves, per head, two shillings and six pence; for neat cattle, per head, seven shillings and six pence, in the current money of this Province.

III. *And be it further enacted* by the authority aforesaid, That the said William Harvey, his executors, administrators and assigns, shall always, during the said term of seven years, keep and maintain a good and sufficient ferry boat or boats for the purposes aforesaid, to attend the said ferry, as well by night as by day, for the transporting passengers, their horses and carriages.

IV. *And be it also enacted* by the authority aforesaid, That if any person coming to the said ferry to pass the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing the said ferry, the said William Harvey, his executors, administrators and assigns, shall forfeit and pay, for every such offence, to the person so delayed, ten pounds, current money, and in case such delay shall exceed an hour, ten pounds, like money, for every hour afterwards; to be recovered before any justice of the peace in Granville county, if sued for in ten days after the offence committed.

V. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this Province for the time being, all ministers of the Gospel, and all persons going to and from divine service and general musters of the militia, and all persons in time of alarm, and all expresses or messengers sent on the service of this Government, and all free Indians in amity with this Government, be, and they are hereby, exempted from paying any ferriage for passing and re-passing the same, by themselves, their servants, horses and carriages; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

P. MANIGAULT, *Speaker.**In the Council Chamber, the 18th day of April, 1767.**Assented to:*

C. G. MONTAGU.

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AN ACT FOR ESTABLISHING AND MAKING PUBLIC, A ROAD TO LEAD FROM ORANGEBURGH TO SALUDA, AND FROM THENCE TO BUSH AND RAYBURN'S CREEKS, AND FOR APPOINTING COMMISSIONERS FOR THE SAME; AND ALSO, FOR ESTABLISHING AND MAKING PUBLIC, A FERRY OVER SALUDA RIVER, AND VESTING THE SAME IN SAMUEL KELLY AND JOHN MILLHOUS, THEIR EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM THEREIN MENTIONED. No. 973.

WHEREAS, the inhabitants living and residing in the Fork of Broad and Saluda Rivers, and Bush and Rayburn's Creeks, in this Province, by their humble petition to the General Assembly, have represented many inconveniencies which they labor under for want of having a road established and made public, to lead from Orangeburgh to Saluda, and from thence to Bush and Rayburn's Creeks; and also, for want of a ferry to be established and made public over Saluda River. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. Be it enacted, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain-General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That Andrew Brown, John Millhous, James Cheek, William Booth, Barnabas Arthur, John Fisher, and John Furnas, shall be, and are hereby nominated and appointed, commissioners for laying out and making, and keeping in repair, a road to lead from Orangeburgh to Saluda, and from thence to Bush and Rayburn's Creeks.

Road to be made from Orangeburgh to Saluda, &c.

II. And be it further enacted by the authority aforesaid, That all male inhabitants, from the age of sixteen to sixty years of age, within ten miles of the said road, shall be, and they are hereby, obliged to make the said road and keep the same in repair.

Who to work on it.

III. And be it further enacted by the authority aforesaid, That the commissioners hereinbefore named, or a majority of them, shall have, use and exercise, all the powers and authorities for putting the foregoing part of this Act in execution, which are given to any other commissioners of high roads, and be subject to the same penalties inflicted on any commissioners of high roads by any Act of the General Assembly of this Province.

Powers of Commissioners

IV. And be it further enacted by the authority aforesaid, That in case the said commissioners, or any of them, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, and other persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

General issue may be pleaded.

V. And be it further enacted by the authority aforesaid, That there shall be, from and immediately after the ratification of this Act, for the public use and benefit of all and singular the inhabitants and persons passing and re-passing in this Province, a ferry fixed and established on Saluda River, at the lands of Samuel Kelly and John Millhous; all persons using the said ferry paying the several rates and prices hereinafter mentioned, limited and appointed, that is to say:—for every foot passenger, one shilling

Ferry over Saluda, at lands of Kelly and Millhous.

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and three pence; for a man and horse, two shillings and six pence; for a horse and chair, or horse and cart, five shillings; for a wagon, with five horses, twenty shillings; neat cattle, per head, ferried or swam, one shilling; for calves, sheep or hogs, one shilling per head. All which rates and prices shall be paid and received from all persons, the Governor or Commander-in-chief of this Province for the time being, all ministers of the Gospel, and all persons going to and from divine service and musters of the militia, and all persons in time of alarm, and all expresses or messengers sent on the service of this Government, and free Indians in amity with this Government, their servants, horses and carriages, excepted, at all times.

VI. *And be it further enacted* by the authority aforesaid, That the said ferry hereby established on Saluda River, at the land of Samuel Kelly, to the land of John Millhous, on the opposite shore, shall be, and is hereby, vested in the said Samuel Kelly, his executors, administrators and assigns. And from the land of the said John Millhous, on the opposite shore, to Sam'l. Kelly's land, shall be, and is hereby, vested in the said John Millhous, executors, administrators and assigns, for and during the term of seven his years.

VII. *And be it further enacted* by the authority aforesaid, That the said Samuel Kelly and John Millhous, their executors, administrators and assigns, respectively, shall always, during the said term of seven years, keep and maintain a good and sufficient ferry boat or boats for the purposes aforesaid, to attend the said ferry, as well by night as by day, for the transporting passengers, their horses and carriages.

VIII. *And be it further enacted* by the authority aforesaid, That if any person coming to the said ferry to pass the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing the said ferry, the said Samuel Kelly and John Millhous, their executors, administrators and assigns, respectively, shall forfeit and pay, for every such offence, to the person so delayed, ten pounds, current money; and in case such delay shall exceed one hour, ten pounds, like money, for every hour afterwards; to be recovered before any justice of the peace in the county which the said ferry is in, if sued for in ten days after the offence committed.

P. MANIGAULT, *Speaker.**In the Council Chamber, the 12th day of April, 1768.**Assented to :*

C. G. MONTAGU.

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AN ACT FOR ESTABLISHING A FERRY AT THE LANDS OF JAMES JAMES, No. 974.
 IN THE WELCH TRACT, IN THE PARISH OF PRINCE GEORGE, OPPOSITE CEDAR CREEK, IN THE PARISH OF ST. MARK; AND ALSO, FOR ESTABLISHING AND MAKING PUBLIC A ROAD TO LEAD FROM THE NORTH-EAST SIDE OF THE SAID FERRY, DOWN THE COUNTRY, INTO THE PUBLIC ROAD; AND LIKEWISE, A ROAD TO LEAD FROM THE UPPER SIDE OF CEDAR CREEK, AND ALSO A ROAD TO LEAD FROM THE LOWER SIDE OF THE SAID CREEK, INTO THE PUBLIC ROAD LEADING DOWN THE COUNTRY.

WHEREAS, the inhabitants of the Welch Tract, in the parishes of Saint Mark and Prince George, by their humble petition to the General Assembly, have represented many inconveniencies which they are under for want of having a ferry to be established and made public on great Pee-dee river, and proper roads leading thereto, for the conveniency of themselves and others travelling from the northern parts of this Province to Charlestown and Georgetown. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by his Excellency the Right Honorable Lord Charles Greville Montagu, Captain-General, Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That immediately from and after the passing of this Act, a public ferry be, and is hereby, established at the lands of James James, in the Welch Tract, on the north-east side of Great Pee-dee river, in the parish of Prince George, opposite to Cedar creek, which is on the south-west side of the said river, in the parish of St. Mark, on the lands of the said James James, and to land on either side of the said creek; and that the said ferry shall be, and is hereby, vested in the said James James, his heirs, executors, administrators and assigns, for and during the term of fourteen years

Ferry established over Pee-dee, and vested in J. James.

II. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful to and for the said James James, his heirs, executors, administrators and assigns, to take and receive, for the ferrying over persons, their horses, carriages and cattle, at the said ferry, the following rates and prices, and no more, that is to say: for every single person, one shilling and three pence; for a man and horse, two shillings and six pence; for a horse and chair, or horse and cart, five shillings; for a four wheel carriage, with five horses, twenty shillings; for neat cattle, ferried or swam, one shilling and three pence; for calves, sheep or hogs, ferried or swam, seven pence half penny, in the current money of this Province.

Conditions.

III. *And be it further enacted* by the authority aforesaid, That the said James James, his heirs, executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry-boat or boats, for the purposes aforesaid, to attend the said ferry, as well by night as by day, for the transporting passengers, their horses, carriages and cattle. And that if any person coming to the said ferry, to pass the same, shall meet with any unreasonable delay, or be unnecessarily retarded, in passing the said ferry, the said James James, his heirs, executors, administrators and assigns, shall forfeit and pay, to the person so delayed, ten pounds, current money; and in case such delay shall exceed one hour, five pounds, like money, for every hour afterwards; to be recovered

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before any justice of the peace in Craven county, if sued for in ten days after the offence committed.

IV. *And be it enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this Province for the time being, all ministers of the gospel, and all persons going to and from divine service and musters of militia, and all persons in time of alarm, and all expresses or messengers sent on the service of this government, and free Indians in amity with this government, be, and they are hereby, exempted from paying any ferriage for passing and re-passing the same, by themselves, their servants, horses and carriages; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

Roads from
said ferry.

V. *And be it further enacted* by the authority aforesaid, That Abel Wildes, David Evans, James James, Alexander Mackintosh, John Kimbrough, Thomas Evans, George Hicks, Thomas James, and John Mackintosh, shall be, and are hereby nominated and appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a road from the north-east side of the above mentioned ferry, to lead down the country into the public road; and likewise a road to lead from the upper side of the above mentioned creek; and also, a road to lead from the lower side of the above mentioned creek, into the public road which leads down the country.

Who to work
on them.

VI. *And be it further enacted* by the authority aforesaid, That all the male inhabitants from the age of sixteen to sixty years of age, within ten miles on each side of the said ferry, shall be, and they are hereby, obliged to make the said roads, and to keep the same in repair. And in case any of the inhabitants obliged by this Act to work on the said roads shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures as any persons by Act of the General Assembly for making roads are.

Powers of com-
missioners.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners hereinbefore named, or the majority of them, shall have, use and exercise, all the powers and authorities, for putting the latter part of this Act in execution, which are given to any other commissioners of high-roads, and be subject to the same penalties inflicted on any commissioners of high-roads, by any Act of the General Assembly of this Province.

General issue
may be plead-
ed.

VIII. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or any of them, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the direction of this Act, it shall and may be lawful to and for the said commissioners and other persons, so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom, to the contrary notwithstanding.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 12th day of April, 1768.

Assented to:

C. G. MONTAGU.

Acts relating to Roads, Bridges and Ferries.

A. D. 1768.

AN ACT FOR ALTERING A PRIVATE PATH OR ROAD FORMERLY LAID OUT BY THE BOARD OF COMMISSIONERS IN THE PARISH OF ST. THOMAS AND ST. DENNIS, THROUGH THE PLANTATION OF THE REV. ALEXANDER GARDEN TO THE PLANTATION OF THOMAS AIKEN; AND FOR ESTABLISHING ONE OTHER PRIVATE PATH OR ROAD TO THE PLANTATION OF THE SAID THOMAS AIKEN; AND FOR VESTING THE LANDS AND EFFECTS LATELY BELONGING TO THE FRENCH CHURCH, IN THE SAID PARISH, IN THE CHURCH-WARDENS AND VESTRY OF THE SAID PARISH.

Preamble.

WHEREAS, the Reverend Alexander Garden, by his petition to the General Assembly, setting forth the grievances which he sustains by a private path or road which was laid out by the commissioners of the high-roads for the parish of Saint Thomas and St. Dennis, in April, one thousand seven hundred and forty-two, from a plantation commonly called the Blue House, through the plantation of the said Alexander Garden, and prayed that he might be relieved from the said grievance, in the manner hereinbefore mentioned; and it being just and reasonable that the prayer of the said petition should be granted: we therefore most humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency the Right Honourable Lord Charles Greville Montagu, Captain-General, Governor and Commander-in-chief, in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, the said private path or road shall be discontinued and no longer used as such; and that instead thereof, the private path or road which leads from the plantation of Thomas Aikin, through the north-east part of the plantation of the said Alexander Garden, over Guerin's Bridge, to the high-road near the corner of Mr. Johnson's fence, shall be a private path or road, for the use and benefit of the said Thomas Aikin, his heirs and assigns, forever.

Path through
Garden's plan-
tation discon-
tinued, and
another esta-
blished.

II. And *whereas*, by the decease of the Rev. Mr. John James Tisscott, late minister to the French congregation at Orange Quarters, in the parish of St. Thomas and St. Dennis, and by the death of the greatest part of the parishioners who understood the French language, and also, by the establishing a Chapel of Ease at Pumkeon Hill, in the said parish, the performing of divine service in the French tongue is now unnecessary and disused, the French congregation being incorporated with the rest of the parish, and the French Church becoming useless for a place of worship.— And *whereas*, there are no church wardens or vestry of the said French congregation, or any other person authorized by law to take charge of the records and effects belonging to the said church. *Be it therefore enacted* by the authority aforesaid, That from and immediately after the passing of this Act, it shall and may be lawful for the church wardens and vestry of the said parish of Saint Thomas and Saint Dennis, or their successors for the time being, or the majority of them, to sell and dispose of the lands belonging to the said French Church or congregation, and the buildings thereon, to any person or persons whatsoever, at the best price that may be had for the same; and to execute good and sufficient conveyances thereof to the said purchaser or purchasers in fee simple; and also, that it shall and may be lawful for the said church wardens or vestry, or

Effects of the
French Church
disposed of.

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their successors, for the time being, or the majority of them, to take into their charge and possession, all and singular the records, bonds, monies and effects, appertaining to the said French church or congregation; and the monies arising from the sale of the said lands and buildings, as well as the bonds, monies and effects, belonging to the said French church or congregation, is hereby vested in the said church wardens and vestry, or their successors, for the time being, to and for the only use, benefit and advantage of the poor of the said parish of Saint Thomas and Saint Dennis, and to and for no other use or purpose whatsoever.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said church wardens and vestry, or their successors, for the time being, or the majority of them, to demand, sue for, recover and receive, of and from all and every person or persons whomsoever, all such sum or sums of money which now are, or shall or may be, due to the said French church or congregation, either by bond, note or otherwise, and good and sufficient acquittals and discharges to execute to such person or persons who shall or may be so indebted to the said French church or congregation.

P. MANIGAULT, *Speaker.**In the Council Chamber, the 12th day of April, 1768.**Assented to :*

C. G. MONTAGU.

No. 983. AN ACT FOR ESTABLISHING A FERRY AT THE TWO SISTERS'S BLUFF, ON SAVANNA RIVER; AND FOR LAYING OUT, MAKING AND KEEPING IN REPAIR, A PUBLIC ROAD FROM THE SAID BLUFF TO THE MAIN ROAD LEADING FROM COOSAWHATCHIE TO PURYSBURGH.

Preamble. WHEREAS, many of the freeholders and inhabitants of the parish of Saint Peter, and parts adjacent in Granville county, by their petition to the General Assembly, set forth that the establishing a ferry from this Province to Georgia, over Savanna River, at the Two Sisters's Bluff, will be very convenient to persons having occasion to pass from one to the other of those Provinces; and that it will be, also, of advantage to the said petitioners, their neighbors and persons passing the said ferry, to have a public road laid out from the said Two Sisters's Bluff, to the lower part of Cypress Creek; thence the best and nearest way across the Savanna, to Turkey Hill; from thence, the nearest and best way to the fifteen mile post, on the main road leading from Coosawhatchie to Purysburgh; and therefore prayed that an Act may be passed for establishing the said ferry and road. We therefore humbly pray, his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief in and over his Majesty's Province of South Carolin, by and with the advice and consent of his Majesty's

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Council, and the Commons House of Assembly of the said Province, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established at the Two Sisters's Bluff, on Savanna River; and that the said ferry shall be, and it is hereby, vested in William Williamson, Esquire, his executors, administrators and assigns, for and during the term of fourteen years.

Ferry at Two Sisters's Bluff.

II. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful for the said William Williamson, his executors, administrators and assigns, to take and receive, for the ferrying over persons, their horses, cattle and carriages, at the said ferry, the following rates of ferriage, and no other, that is to say :—for every man and horse, two shillings and six pence, each; for a cart or chaise and horse, seven shillings and six pence; for a wagon, ten shillings; for every head of black cattle or horses, swam, one shilling and three pence; for every head of hogs or sheep, ferried, one shilling and three pence, in the current money of this Province.

Conditions.

III. *And be it also enacted* by the authority aforesaid, That the said William Williamson, his executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry boat to attend the said ferry, as well by night as day, for the transporting passengers, their horses, carriages and cattle; and if any person coming to the said ferry to pass the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing the said ferry, the said William Williamson, his executors, administrators and assigns, shall forfeit and pay, to the party so delayed, ten pounds, current money, and in case such delay shall exceed one hour, five pounds, like money, for every hour afterwards; to be recovered before any justice of the peace in Granville county, if sued for in ten days after the offence committed.

IV. *And be it also enacted* by the authority aforesaid, That the Governor and Commander-in-chief of this Province for the time being, all persons in time of alarm, and all expresses or messengers sent on the service of this Government, and free Indians in amity with this Government, be, and they are hereby, exempted from paying any ferriage for passing and re-passing the same, by themselves, their servants, horses and carriages; any thing before herein contained to the contrary thereof in any wise notwithstanding.

V. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry within six miles of the said ferry, during the said term of fourteen years, unless the Legislature of this Province shall think fit to establish another ferry within the said six miles.

VI. *And be it further enacted* by the authority aforesaid, That John Chisholme, Joachim Hardstone, Paul Porcher, Drury Dunn, and Josiah Dupont, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are authorized, empowered and required, to lay out, make and keep in repair, a public road from the said ferry, across the Savanna, to Turkey Hill; from thence the best and nearest way to the fifteen mile post on the main road leading from Coosawhatchie to Puryburgh.

Road from said ferry to Puryburgh.

VII. *And be it further enacted* by the authority aforesaid, That all the male inhabitants, from sixteen to sixty years of age, within two miles to the southward of the road hereby established, and to the north-eastward and westward thereof, as far as the parish of Saint Peter extends,

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shall be, and they are hereby, obliged to make the said road, and to keep the same in repair; and in case any of the inhabitants obliged by this Act to work on the said road, shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures as any persons by Act of the General Assembly for making roads are.

VIII. *And be it further enacted* by the authority aforesaid, That the commissioners hereinbefore named, or the majority of them, shall have, use and exercise, all the powers and authorities for putting the latter part of this Act in execution, which are given to any other commissioners of high roads by any Act of the General Assembly of this Province.

IX. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or any of them, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners and other persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 23d day of August, 1769.

Assented to:

WM. BULL.

No. 986. AN ORDINANCE, APPOINTING COMMISSIONERS FOR REPAIRING THE BRIDGES OVER WAPPOO CREEK, IN THE PARISH OF SAINT ANDREW, AND COOSAWHATCHIE CREEK, LYING BETWEEN THE PARISHES OF PRINCE WILLIAM AND SAINT LUKE.

Preamble.

WHEREAS, by an Act passed the eleventh day of May, one thousand seven hundred and fifty-four, entitled "An Act appointing commissioners for repairing, and keeping in repair, the bridge over Combahee river, from the causey to the town of Radnor; and commissioners for rebuilding and keeping in repair the bridge over Wappoo creek, in the parish of Saint Andrew, and declaring the said bridge, and Hooper's bridge, in the said parish of Saint Andrew, to be parish bridges, and appointing commissioners for the said bridges," it was therein enacted that Daniel Pepper, Esquire, Captain Robert Rivers, and James Screven, should be commissioners for rebuilding and keeping in repair the said bridge over Wappoo creek, in the parish of Saint Andrew. And *whereas*, by the death of one of the said commissioners, and the removal of another, the said bridge is now become in a ruinous condition, and impassable to travellers, for want of other commissioners to put the said Act in force; for remedy thereof,

I. *Be it ordained*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief, in and over his Majesty's Province of

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South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Commons House of Assembly of said Province, and by the authority of the same, That Francis Rose, Thomas Elliott, George Russell, John Dill, and Thomas Screven, or any three of them, shall be, and are hereby appointed, commissioners for repairing, and keeping in repair, the said bridge over Wappoo creek, in the said parish of Saint Andrew; and they, the said commissioners, or a majority of them, are hereby impowered and authorized, obliged, enjoined and required, within three months from the time of passing this Ordinance, to repair the said bridge over Wappoo creek, at the expense of the inhabitants of the said parish of Saint Andrew, by a tax or assessment upon all the males, from the age of sixteen to sixty years, within the said parish; any thing contained in any other Act of the General Assembly of this Province, or any law, usage, or custom, to the contrary thereof in any wise notwithstanding.

II. And *whereas*, two of the commissioners appointed by an Act passed the thirty-first day of May, one thousand seven hundred and fifty, for building and keeping in repair a bridge over Coosawhatchie creek, are dead, and the said bridge is now in great want of repairs, but no assessment can be made for that purpose by the surviving commissioner. *Be it therefore ordained* by the authority aforesaid, That John Drayton, Jr. John Heyward, William Hazard, and David Toomer, shall be, and are hereby appointed, commissioners, together with the said surviving commissioner, for repairing the said bridge, and making an assessment for paying the expense thereof, agreeable to the directions of the last mentioned Act.

III. And *be it further ordained* by the authority aforesaid, That the commissioners, respectively, by this Ordinance appointed, and the surviving commissioners hereinbefore mentioned, shall have as full and ample power and authority, to all intents and purposes whatsoever, for carrying the several matters hereinbefore directed into execution, and for assessing, levying and collecting the expenses that may attend the same, and shall be liable to the same fines and penalties, as any other commissioners for bridges or high-roads have or are invested with, by any Act or Acts of the General Assembly of this Province.

IV. And *be it further ordained* by the authority aforesaid, That in case any of the said commissioners shall happen to die, refuse to act, or depart this Province, it shall and may be lawful to and for the remaining commissioners, or a majority of them, from time to time, to choose and appoint another person or persons to be commissioner or commissioners, in the room of him or them so dying or departing this Province. And the person and persons so chosen and appointed, shall have the same powers and authorities for carrying this Ordinance and the said Act into execution, and shall be subject and liable to the same penalties, as other commissioners of bridges and high-roads are by any Acts of Assembly of this Province.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 23d day of August, 1769.

Assented to : WILLIAM BULL.

A. D. 1770.

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No. 992. AN ACT FOR ESTABLISHING A FERRY OVER SALUDA RIVER, AT THE LANDS OF ROBERT CUNNINGHAM; AND ALSO ANOTHER FERRY OVER SAVANNAH RIVER, OPPOSITE TO AUGUSTA, IN GEORGIA; AND APPOINTING COMMISSIONERS TO LAY OUT, MAKE AND KEEP IN REPAIR, SEVERAL ROADS LEADING THERETO.

Preamble. WHEREAS, the inhabitants living in the fork of Broad and Saluda rivers, Ninety-six, Stevens's creek, Long Canes, and parts adjacent, by their humble petition to the General Assembly, have represented many inconveniencies which they labour under, for the want of a public ferry over Saluda river, at the lands of Robert Cunningham, and also another public ferry over Savannah river, opposite to Augusta, in Georgia, and proper roads established and made public, to lead thereto; and therefore prayed, that an Act may be passed for establishing the said ferries and roads. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Ferry over Saluda. I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, a public ferry shall be, and it is hereby, established at the lands of Robert Cunningham, known by the name of the Indian Island Ford, on Saluda river, to land on the opposite side of the said river; and that the said ferry shall be, and it is hereby, vested in the said Robert Cunningham, his executors, administrators and assigns, for and during the term of seven years.

Conditions. II. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful for the said Robert Cunningham, his executors, administrators and assigns, to take and receive, for the ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, the following rates of ferriage, and no other, (that is to say:) For a foot passenger, one shilling and three pence; for a man and horse, two shillings and six pence; for a chair and horse or cart and horse, seven shillings and six pence; for a wagon, or any other four wheeled carriage and five horses, twenty-five shillings; for every head of black cattle or horses, ferried or swam over the said ferry, one shilling and three pence; and for every head of sheep or hogs, ferried over, one shilling, in the current money of this Province.

III. *And be it also enacted* by the authority aforesaid, That the said Robert Cunningham, his executors, administrators and assigns, shall always, during the said term of seven years, keep and maintain a good and substantial ferry boat, with two able bodied men to attend the said ferry, as well by night as by day, for the transporting passengers, their servants, carriages, horses and cattle; and if any person coming to the said ferry to pass the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing the said ferry, the said Robert Cunningham, his executors, administrators and assigns, shall forfeit and pay to the person so delayed, ten pounds, current money, and in case such delay shall exceed one hour, five pounds, like money, for every hour afterwards, to be recovered before any justice of the peace in Craven county, if sued for in ten days after the offence is committed.

IV. *And be it further enacted* by the authority aforesaid, That from

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and immediately after the passing of this Act, a public ferry shall be, and is hereby, established at the place opposite to the ferry at Augusta, in Georgia, on part of the lands reserved for the Chickesaw Indians, to land ^{Over Savannah, at August.} on the opposite shore of the said river, in the Province of Georgia; and that the said ferry shall be, and it is hereby, vested in Thomas Adam, his executors, administrators and assigns, for and during the term of seven years.

V. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful for the said Thomas Adam, his executors, administrators ^{Conditions.} and assigns, to take and receive, for the ferrying over persons, their servants, carriages, horses and cattle, at the said ferry, the following rates and prices, and no other, (that is to say :) For a foot passenger, one shilling and three pence; for a man and horse, two shillings and six pence; for a chair and horse, or cart and horse, seven shillings and six pence; for a wagon, or any other four wheeled carriage and five horses, twenty-five shillings; for every head of black cattle or horses, ferried or swam, one shilling and three pence; and for every head of sheep or hogs, ferried over, one shilling, in the current money of this Province.

VI. *And be it also enacted* by the authority aforesaid, That the said Thomas Adam, his executors, administrators and assigns, shall always, during the said term of seven years, keep and maintain a good and substantial ferry boat, with two able bodied men, to attend the said ferry, as well by night as by day, for the transporting passengers, their servants, carriages, horses and cattle; and if any person coming to the said ferry to pass the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing the said ferry, the said Thomas Adam, his executors, administrators and assigns, shall forfeit and pay to the person so delayed, ten pounds, current money, and in case such delay shall exceed one hour, five pounds, like money, for every hour afterwards, to be recovered before any justice of the peace in Granville county, if sued for in ten days after the offence is committed.

VII. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry within four miles of the ferry hereby established on Saluda river, and also the ferry hereby established on Savannah river, during the said term that the said ferries are vested in the aforesaid Robert Cunningham and Thomas Adam, their respective executors, administrators and assigns, unless the Legislature of this Province shall think fit to establish other ferries within the said four miles.

VIII. *And be it also enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this Province for the time being, all ministers of the gospel, all persons going to or returning from musters of the militia, and all persons in time of alarm, all expresses sent in the service of this government, be, and the same are hereby, exempted from paying any ferriage at the said ferries hereby established, for passing and re-passing the same, by themselves, their servants, carriages and horses; any thing herein contained to the contrary thereof in any wise notwithstanding.

IX. *And be it further enacted* by the authority aforesaid, That Andrew Rogers, George Anderson, Samuel Ramsey, Allen Addison and George ^{Road from said ferries.} Bender, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to, lay out, make and keep in repair, a public road to lead from the ferry hereby established on Savannah river, to the ferry hereby

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established on Saluda river. That Robert Cunningham, Thomas Dalrymple, William Leargen, Charles Pitts and William Geary, be, and they are hereby appointed, commissioners to lay out, make, and keep in repair, a public road to lead from the north side of the ferry hereby established on Saluda river, the nearest and best way to Hendrick's mill, on Inoree river. And that William Wafford, John Caldwell, William Hendricks, Thomas Gordon and Jacob Pennington, be, and they are hereby appointed, commissioners for laying out, making, and keeping in repair, a public road to be continued from Hendricks's mill, on Inoree river, the nearest and best way to Fish Dam Ford, on Broad river.

Who to work
on said roads.

X. *And be it also enacted* by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years of age, living within four miles on each side of the roads hereby established, shall be, and they are hereby, obliged to make the said roads, and to keep the same in repair. And in case any of the inhabitants obliged by this Act to work on the said roads, shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures as any persons by Act of the General Assembly of this Province for making roads are.

Vacancies.

XI. *And be it also enacted* by the authority aforesaid, That in case any of the commissioners by this Act named, shall happen to die, depart the Province, or refuse to act, then it shall and may be lawful for the other commissioners, or a majority of them, respectively, to nominate and appoint another person or persons to be commissioner or commissioners, in the room of him or them so dying, departing the Province, or refusing to act; and the person and persons so chosen, shall be invested with and have the same powers and authorities as the other commissioners hereby nominated and appointed.

Powers of
Comm'rs.

XII. *And be it also enacted* by the authority aforesaid, That the commissioners herein named, and others to be appointed by them, respectively, or a majority of them, shall have, use and exercise, all the powers and authorities for putting the latter part of this Act into execution, which are given to any other commissioners of high-roads, and be subject and liable to the same penalties as are inflicted on any commissioners of high-roads, by any Act of the General Assembly of this Province.

General issue
may be plead-
ed.

XIII. *And be it also enacted* by the authority aforesaid, That in case any of the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, and the persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 7th day of April, 1770.

Assented to: WM. BULL.

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A. D. 1770.

AN ACT FOR ESTABLISHING A ROAD FROM ORANGEBURGH BRIDGE TO No. 995.

INDIAN HEAD; A ROAD FROM THE INDIAN HEAD TO THE ROAD WHICH LEADS FROM THE RIDGE TO AUGUSTA; ANOTHER ROAD FROM THE RIDGE ROAD TO LONG CANE CREEK; ANOTHER ROAD FROM LONG CANE CREEK TO GREAT ROCKEY CREEK; AND ANOTHER ROAD FROM GREAT ROCKEY TO MOUNTAIN CREEK, NEAR CUFFEE TOWN; AND FOR DECLARING THE ROAD FROM ROBERT GOUDY'S, AT NINETY-SIX, TO THE RIDGE, AND FROM THENCE TO THE ROAD TO LEAD FROM THE INDIAN HEAD TO LONG CANE, A PUBLIC ROAD.

WHEREAS, several of the inhabitants living in the interior, and on the frontier parts of this Province, by their humble petition to the General Assembly, have set forth, that the petitioners labour under great disadvantage for the want of proper roads to be established and made public for the conveniency of conveying the produce of their lands to the market of Charlestown, and praying that a law may be passed to remedy the same. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That John Jennings, Philip Jennings, Johannes Wolf, John Pou and Henry Young, be, and they are hereby appointed, commissioners for laying out, making, and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to lead from the north side of Orangeburgh bridge, up the country, to a place called the Indian Head. That Maurice Calleham, Aaron Sinquefield and Jesse Lott, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to be continued from the Indian Head aforesaid, till it falls in or intersects a road which leads from a place called the Ridge to Augusta. That James Williams, Jeffery Williams, Samuel Anderson, Dr. Nicholas Frederick Mayer and Robert Bryan, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to be run from the before mentioned road which leads from the Ridge to Augusta, to the Long Cane Creek. That William Calhoun, John Anderson, Elisha Lawrence, John McKinley, William Harris, John Pickens, Jr. and Samuel Kerr, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to lead from the Long Cane Creek to Great Rockey Creek, near the Cherokee Indian line. That Andrew Williamson, Mathew Edwards, Andrew Pickens, Robert Miller, Aaron Smith, George Reid and Andrew Neale, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to lead from the last mentioned road, to or near a place called Mountain Creek, near Cuffee

Roads from
Orangeburgh
bridge to the
Cherokee line.

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Town, to the plantation of Andrew Williamson, at Hard Labour, and from the said plantation of Andrew Williamson, to be continued from thence to the plantation of Robert Miller, near the Cherokee Indian line.

Road from
Goudy's de-
clared public.

II. *And be it further enacted* by the authority aforesaid, That a road which now leads from the plantation of Robert Goudy, at Ninety-six, to the place called the Ridge, and from thence to the road which is hereby established to lead from the Indian Head to Long Cane Creek, be, and the same is hereby declared to be, a public road; and that Robert Goudy, John Savage, John Dooley, Benjamin Tutt and Colbert Anderson, be, and they are hereby appointed, commissioners for keeping the said road in repair.

Who to work
on said roads.

III. *And be it further enacted* by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years, living in the north and south forks of Edisto, and also all other persons living within ten miles of each side of the first mentioned road, leading from the north side of Orangeburgh bridge to the place called the Indian Head, shall be, and they are hereby, obliged to make the said road, and to keep the same in repair. And that all the male inhabitants, from the age of sixteen to sixty years, living within ten miles on each side of the other roads hereby directed to be laid out and made public, shall be, and they are hereby, obliged to make the said respective roads, and to keep the same in repair. And in case any of the inhabitants obliged by this Act to work on the said roads, shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures as any persons by any Act of the General Assembly for making roads are.

Powers of
Comm'rs. &c.

IV. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners by this Act named, or any of the commissioners by this Act appointed to be chosen, shall happen to die, depart the Province, or refuse to act, then it shall and may be lawful for the other commissioners, or a majority of them, respectively, to choose another person or persons to be commissioner or commissioners, in the room of him or them so dying, departing the Province, or refusing to act. And the person or persons so chosen, shall be invested with and have the same powers and authorities as the other commissioners hereby nominated and appointed.

V. *And be it further enacted* by the authority aforesaid, That the commissioners herein named, and others to be appointed by them, respectively, or a majority of them, shall have, use and exercise all the powers and authorities, for putting this Act into execution, which are given to any commissioners of high-roads, and be subject to the same penalties as are inflicted on any commissioners of high-roads, by any Act of the General Assembly of this Province.

VI. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, and other persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom, to the contrary notwithstanding.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 7th day of April, 1770.

Assented to: WM. BULL.

Acts relating to Roads, Bridges and Ferries.

A. D. 1770.

AN ACT FOR VESTING A FERRY, FROM CHARLESTOWN TO HOBCAW AND No. 998.
SCOTT'S FERRIES, IN ANDREW HIBBEN, FOR THE TERM THEREIN
MENTIONED.

WHEREAS, persons having occasion to cross Cooper river from Charlestown to Lampriere's and Scott's ferries, are often greatly delayed, by reason that the proprietors of the said ferries do not keep boats in the said town. And Mr. Andrew Hibben hath represented to the General Assembly, that he is willing to remedy the said inconvenience, by keeping proper boats ready at the shortest notice, to transport persons, their horses and carriages, from Charlestown to the said places, and therefore prayed that a law may be passed for vesting a ferry in him for that purpose. And *whereas*, neither of the owners of Scott's and Lampriere's ferries are willing to keep boats in Charlestown for the purpose aforesaid. We therefore pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That a ferry shall be, and is hereby, established for the transporting of passengers, their horses and carriages, from Charlestown to Scott's ferry, in the parish of Saint Thomas and Saint Dennis, and to a bank or ridge of Oyster shells, lying to the southward of the house, commonly called the Point House, of Clement Lampriere, at Hobcaw, in the parish of Christ Church; and that the right, title, interest, profits and advantage of the said ferry shall be, and are hereby, vested in the said Andrew Hibben; his executors, administrators and assigns, for the term of fourteen years from the passing of this Act.

Ferry from
Charleston to
Scott's ferry
and Hobcaw.Vested in A.
Hibben.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said Andrew Hibben, his executors, administrators and assigns, to demand, have, sue for, recover and receive, to his and their own proper use, the same rates and ferriage as are respectively allowed for ferriage from Lampriere's ferry to Charlestown, and from Scott's ferry to Charlestown, by an Act of Assembly, passed the ninth day of August, one thousand seven hundred and sixty-five.

Conditions:

III. *And be it further enacted* by the authority aforesaid, That the said Andrew Hibben, his executors, administrators and assigns, shall be, and they are hereby, obliged and required, constantly to provide and keep in good repair, a sufficient landing place, ferry boat or boats, and proper persons to manage the same, for carrying and transporting from Charlestown to the places aforesaid, passengers, their servants, horses and carriages. And in case any person who hath occasion to pass the said ferry, shall meet with any unreasonable delay, the said Andrew Hibben, his executors, administrators or assigns, shall forfeit and pay to the party grieved, the sum of five pounds, for the first, and ten pounds for every other hour that such person shall be so delayed, to be recovered before a justice of peace, according to the powers given to them by the Act for trying small and mean causes.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners of the high-roads in Christ Church parish, shall forthwith (at the labour and expense of such of the parishioners who are liable to make and repair the high-road leading to the house of Clement Lampriere,) cause

Road thereto.

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the said road to be continued and made to and upon the said ridge or bank of Oyster shells, which shall be a public road, and kept in repair as such.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 7th day of April, 1770.

Assented to :

WM. BULL

No. 1000. AN ACT FOR REPEALING AN ACT ENTITLED "AN ACT FOR APPOINTING COMMISSIONERS TO BUILD A BRIDGE OVER THE POND IN THE FOUR HOLE SWAMP, COMMONLY CALLED GIBBES'S POND, AND TO LAY OUT AND MAKE AND KEEP IN REPAIR, A ROAD TO AND FROM THE SAID BRIDGE, AS CONVENIENT AS MAY BE, INTO THE ORANGEBURGH OLD ROAD, FROM THE HEAD OF THE SAID PATH LEADING FROM DORCHESTER TO IZARD'S COWPEN." AND FOR AUTHORIZING AND EMPowering THE BOARD OF COMMISSIONERS OF THE ROADS FOR THE PARISH OF SAINT GEORGE DORCHESTER, TO LAY OUT AND MAKE AND KEEP IN REPAIR, THE ROAD MENTIONED IN THE SAID ACT.

Preamble. WHEREAS, many disputes have arisen between the commissioners appointed in and by an Act of the General Assembly of this Province, entitled "An Act for appointing commissioners to build a bridge over the pond in the Four Hole Swamp, commonly called Gibbes's pond, and to lay out and make and keep in repair, a road to and from the said bridge, as convenient as may be, into the Orangeburgh old road, from the head of the path leading from Dorchester to Izard's Cowpen," so that the said Act has never been put into execution, by reason whereof many persons have been put to great difficulties and inconveniencies for want of the road mentioned in the above recited Act: for remedy whereof, we humbly pray his most sacred Majesty that it may be enacted, and

Act No. 815
repealed.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, the aforesaid Act, entitled "An Act for appointing commissioners to build a bridge over the pond in the Four Hole Swamp, commonly called Gibbes's Pond, and to lay out and make and keep in repair, a road to and from the said bridge, as convenient as may be, into the Orangeburgh old road, from the head of the path leading from Dorchester to Izard's Cowpen," passed the twenty-first April, seventeen hundred and fifty-three, be, and the same is hereby, repealed, and declared to be null and void, to all intents and purposes whatsoever.

II. *And be it also enacted* by the authority aforesaid, That the board of

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commissioners for the parish of Saint George Dorchester, or a majority of them, shall have power and authority, and they are hereby fully authorized, empowered and required, to lay out and make and keep in repair, a road to lead from the head of the path leading from Dorchester to Izard's Cowpen, to the bridge over the pond in the Four Hole Swamp, commonly called Gibbes's Pond, the most convenient and best way, and from thence till it falls in or intersects the road commonly called the Orangeburgh old road; and that the said commissioners, or a majority of them, shall, from time to time, as occasion may require, keep the said bridge and road in repair.

Road from
Dorchester
path to the
bridge over
Gibbes's pond.

III. *And be it also enacted* by the authority aforesaid, That the said road shall be made and kept in repair, and also the bridge over Gibbes's Pond, aforesaid, at the expense and by the labour of the male inhabitants, from the age of sixteen to sixty years, living and residing within two miles of the said road, from the west side of the Cypress Swamp to the Four Hole Swamp; and of the south side of the said road from the north-west side of Four Hole Swamp, as far as Edisto river; and of the north side of the said road as far as the Four Hole Swamp; and from the said Four Hole Swamp to the Orangeburgh district line. And in case any of the persons obliged by this Act to make the said road, and to keep the said bridge and road in repair, shall neglect or refuse to do the same, they shall be subject and liable to the like fines and forfeitures as any persons by Act of the General Assembly for making roads and bridges in this Province are made subject and liable unto.

Who to work
on them.

IV. *And be it also enacted* by the authority aforesaid, That in case the said commissioners, or any of them, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done in pursuance of this Act, it shall and may be lawful for him or them so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; and if the plaintiff or plaintiffs in any such action or suit shall suffer a discontinuance, become non-suit, or a verdict shall pass against him or them, the defendant or defendants shall be allowed his or their double costs of suit.

General issue
may be plead-
ed, &c.

P. MANIGAULT, *Speaker.**In the Council Chamber, the 7th day of April, 1770.**Assented to:*

WM. BULL.

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No. 1001. AN ACT FOR ESTABLISHING A FERRY OVER BROAD RIVER, AT THE LANDS OF MARTIN SCHEURER; ALSO A FERRY OVER SALUDA RIVER, AT THE LANDS OF CHARLES CARSON; AND APPOINTING COMMISSIONERS TO LAY OUT, MAKE AND KEEP IN REPAIR, SEVERAL ROADS THEREIN MENTIONED.

Preamble.

WHEREAS, the establishing and making public a ferry over Broad river, at the lands of Martin Scheurer, with proper roads leading thereto, will be very convenient to the inhabitants living on the north-west side of Broad river, as well as other persons travelling from the back parts of this Province to Charlestown. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Ferry over Broad river.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That from and immediately after the passing of this Act, a public ferry shall be, and it is hereby, established at the lands of Martin Scheurer, on Broad river; and that the said ferry shall be, and it is hereby, vested in the said Martin Scheurer, his executors, administrators and assigns, for and during the term of fourteen years.

Vested in M. Scheurer.

Conditions.

II. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful for the said Martin Scheurer, his executors, administrators and assigns, to take and receive, for the ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, the following rates of ferriage, and no other, that is to say:—for a foot passenger, one shilling and three pence; for a man and horse, two shillings and six pence; for a chair and horse, or cart and horse, seven shillings and six pence; for a wagon and five horses, twenty-five shillings; for every head of black cattle or horses, ferried or swam at the said ferry, one shilling and three pence; and for every head of sheep or hogs, ferried, one shilling, in the current money of this Province.

III. *And be it also enacted* by the authority aforesaid, That the said Martin Scheurer, his executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain a good and substantial ferry boat, with two able-bodied men to attend the said ferry, as well by night as by day, for the transporting passengers, their servants, carriages, horses and cattle. And if any person coming to the said ferry to pass the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing the said ferry, the said Martin Scheurer, his executors, administrators and assigns, shall forfeit and pay, to the person so delayed, ten pounds, current money, and in case such delay shall exceed one hour, five pounds, like money, for every hour afterwards; to be recovered before any justice of the peace in Craven county, if sued for in ten days after the offence committed.

IV. *And be it also enacted* by the authority aforesaid, That no person or persons shall keep a ferry within four miles of the said ferry, on Broad river, during the said term of fourteen years, unless the Legislature of this Province shall think fit to establish another ferry within the said four miles.

V. *And whereas*, the establishing a ferry over Saluda river, at the place called Saluda Old Town, with proper roads leading thereto, will be very

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convenient for the inhabitants living in the interior parts of this Province, in conveying the produce of their lands to the market in Charlestown. *Be it therefore enacted* by the authority aforesaid, That immediately from and after the passing of this Act, a public ferry be, and is hereby, established at the lands of Charles Carsan, on the south side of Saluda river, to the opposite shore, at the lands of William Turner; and that the said ferry shall be, and is hereby, vested in the said Charles Carsan, his executors, administrators and assigns, for and during the term of fourteen years.

Ferry over Saluda.

Vested in C. Carsan.

VI. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Charles Carsan, his executors, administrators and assigns, to take and receive, for the ferrying over persons, their servants, carriages, horses and cattle, at the said ferry, the following rates and prices, and no more, that is to say:—for a foot passenger, one shilling and three pence; for a man and horse, two shillings and six pence; for a chair and horse, or cart and horse, seven shillings and six pence; for a wagon, or any other four wheeled carriage and five horses, twenty-five shillings; for every head of black cattle and horses, ferried or swam over the said ferry, one shilling and three pence; and for every head of sheep or hogs, ferried, one shilling, in the current money of this Province.

Conditions.

VII. *And be it also enacted* by the authority aforesaid, That the said Charles Carsan, his executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry boat, with two able-bodied men to attend the said ferry, as well by night as by day, for the transporting passengers, their servants, carriages, horses and cattle. And if any person coming to the said ferry to pass over the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing over the said ferry, the said Charles Carsan, his executors, administrators and assigns, shall forfeit and pay, to the person so delayed, ten pounds, current money, and in case such delay shall exceed one hour, five pounds, like money, for every hour afterwards; to be recovered before any justice of the peace in Colleton county, if sued for in ten days after the offence committed.

VIII. *And be it also enacted* by the authority aforesaid, That no person or persons shall keep a ferry within four miles of the said ferry, on Saluda river, during the said term of fourteen years, unless the Legislature of this Province shall think fit to establish another ferry within the said four miles.

IX. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this Province for the time being, all ministers of the Gospel and persons going to divine worship, all persons going to or returning from musters of the militia, and all persons in time of alarm, and all expresses sent in the service of this Government, and free Indians in amity with this Government, be, and they are hereby, exempted from paying any ferriage at the said ferries hereby established, for passing and re-passing the same, by themselves, their servants, carriages and horses; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

Who may pass the said ferries free.

X. *And be it further enacted* by the authority aforesaid, That John Lee, John Martin, and Edward Mobblee, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to lead from the head of the North Branch of Little River, or Lee's road, to the south branch of the said Little River. That

Sundry roads to said ferries to be made.

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Martin Scheurer, Richard Hill, and Robert Handcock, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, a road to lead from the said south branch of Little river, to the ferry on Broad river, hereby vested in Martin Scheurer, his executors, administrators and assigns. And that Benjamin Gregory, John Gartman, and Frederick Hendrick, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, a road to lead from the said ferry on Broad river, down the country, till it falls in or intersects the public road leading from Inoree river to the Congarees.

Who to work
on said roads.

XI. *And be it also enacted* by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years, within six miles on each side of the before mentioned roads, and also, all the male inhabitants, from the age of sixteen to sixty years, living within three miles of the north-west side of Broad river, who, heretofore, were obliged to work on the road leading from Inoree river to the Congarees, shall be, and they are hereby, obliged to make the said roads, and to keep the same in repair.— And in case any of the inhabitants obliged by this Act to work on the said before mentioned roads, shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures as any persons by Act of the General Assembly of this Province for making roads are.

Road from
Carsan's ferry
to Kelly's road.

XII. *And be it further enacted* by the authority aforesaid, That Charles Banks, Joseph Allen, William West, Charles Carsan, and John Hack, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road, to lead from the south side of the ferry, on Saluda river, hereby vested in Charles Carsan, his executors, administrators and assigns, to the nearest and most contiguous part of the road lately laid out and established, by the name of Kelly's road. And that John Caldwell, Joseph Devanport, William Turner, jr., Lewis Jones, Richard Turner, John Edwards, and Jacob Bowman, be, and they, are hereby appointed, commissioners for laying out, making and keeping in repair, a public road to lead from the north side of the said ferry, on Saluda river, to Reedy river.

And from Car-
san's ferry to
Reedy river.Who to work
on them.

XIII. *And be it also enacted* by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years, living within four miles on each side of the said last mentioned roads, shall be, and they are hereby, obliged to make the said roads, and to keep the same in repair. And in case any of the inhabitants obliged by this Act to work on the said roads, shall neglect or refuse to do the same, they and every of them, shall be liable to the same fines and forfeitures as any persons by Act of the General Assembly for making roads are.

Vacancies.

XIV. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners by this Act named, shall happen to die, depart the Province or refuse to act, then it shall and may be lawful for the other commissioners, or a majority of them, respectively, to choose another person or persons to be commissioner or commissioners, in the room of him or them so dying, departing the Province or refusing to act; and the person or persons so chosen, shall be invested with and have the same powers and authorities as the other commissioners hereby nominated and appointed.

Powers of
Commissioners

XV. *And be it further enacted* by the authority aforesaid, That the commissioners herein named, and others to be appointed by them, respectively, or a majority of them, shall have, use and exercise, all the powers and authorities for putting the latter part of this Act into execution, which

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are given to any other commissioners of high roads, and be subject to the same penalties as are inflicted on any commissioners of high roads, by any Act of the General Assembly of this Province.

XVI. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, and other persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

General issue
may be plead-
ed.

P. MANIGAULT, *Speaker.**In the Council Chamber, the 7th day of April, 1770.**Assented to :*

WM. BULL.

AN ACT FOR VESTING A FERRY OVER SAMPIT RIVER, FROM GEORGETOWN TO THE ROAD ON THE OPPOSITE SHORE, LEADING TOWARDS CHARLESTOWN, IN WILLIAM ALLSTON, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR A TERM OF YEARS. No. 1002.

WHEREAS, there is a necessity for having a ferry established from Georgetown to the road on the opposite shore, leading to Charlestown, for the better communication and intercourse therewith. We therefore humbly pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the ferry over Sampit river from Georgetown, be established at the end of the southernmost street thereof, but on the said river, and to land at the slip opposite thereto, which is hereby declared to be the landing place on the south side of Sampit river, and the same is hereby declared to be vested in William Allston, his executors, administrators and assigns, from the time of the passing of this Act, for and during and unto the full end and term of fourteen years, then next ensuing; and that it shall and may be lawful to and for the said William Allston, his executors, administrators and assigns, during the said term, to demand, receive and take, to his and their own proper use, from all persons passing or making use of the said ferry, the several rates and ferriage and sums following, in the current money of this Province, that is to say; for every single person, one shilling and three pence; for every man and horse, two shillings and six pence; for every two wheeled chair and chaise, or cart, five shillings;

Ferry at
Georgetown
over Sampit.

Vested in W.
Allston.

Conditions.

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for every four wheeled carriage, ten shillings and three pence ; for every head of neat cattle or horses, ferried or swam over the said ferry, one shilling and three pence ; for every head of calves, sheep or hogs, seven pence half penny.

II. *And be it further enacted* by the authority aforesaid, That the said William Allston, his executors, administrators and assigns, shall be, and they are hereby, obliged to keep constantly a good substantial ferry boat or boats, and such other conveniencies as are necessary for transporting persons, horses, cattle, coaches, carts and wagons, over the said ferry, and shall also find and keep constantly employed in the said ferry boat and in the ferrying thereof over the said ferry, two able and sufficient men, who shall constantly attend the said ferry, as well by night as by day, to ferry over all passengers, their servants, slaves, horses and carriages, when and as often as there shall be occasion.

III. *And be it further enacted* by the authority aforesaid, That in case any person or persons coming to the said ferry in order to pass over the same, shall meet with any unreasonable delay, or shall be retarded in the passage over the said ferry, he, the said William Allston, his executors, administrators and assigns, shall forfeit and pay, for every such offence, to the person and persons so delayed, for every hour, ten pounds, current money of this Province ; to be recovered before any justice of the peace in Craven county, as is provided by the Act for the trial of small and mean causes. *Provided*, that such forfeiture be sued for in ten days after such delay shall happen.

IV. *And be it further enacted* by the authority aforesaid, That the Governor and Commander-in-Chief of this Province for the time being, his servants, attendants, equipage and horses, all ministers of the gospel, all persons going to and returning from muster, or in time of alarm, and all expresses or messengers sent in the service of this Government, and all free Indians in amity with this Government, are hereby exempted from paying any ferriage at the said ferry, for themselves, their servants or horses ; any thing herein before contained to the contrary notwithstanding.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 7th day of April, 1770.

Assented to :

WILLIAM BULL.

Acts relating to Roads, Bridges and Ferries.

A. D. 1771.

AN ACT FOR EMPOWERING THE COMMISSIONERS OF THE HIGH ROADS FOR THE PARISH OF PRINCE GEORGE, TO LAY OUT AND MAKE A NEW CAUSEY OVER LYNCH'S ISLAND; AND TO ESTABLISH A FERRY FROM THE PLANTATION OF JOHN COGDILL, ON WACCAMAW, TO GEORGETOWN, AND ALSO TO THE SOUTH SIDE OF SAMPIT RIVER; AND FOR DECLARING THE ROAD LEADING FROM POCOTALIGO BRIDGE TO THE NINE MILE POST, TO BE A PUBLIC ROAD; AND FOR CONTINUING THE SAME TO MATHEW'S BLUFF, ON SAVANNAH RIVER.

Preamble.

WHEREAS, the commissioners of the high-roads for the Parish of Prince George Winyaw, by their humble petition to the General Assembly, have set forth, that the present causey over Lynch's island, in the said parish, is become almost impassable, and that it will be more commodious, and less expensive, to have a new causey made, than to repair the old causey; and therefore prayed that a law may be passed to authorize the said commissioners to lay out a new causey, and to assess the inhabitants of the said parish for the making and keeping in repair the same. We therefore pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by the Honorable William Bull, Esq., Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That the commissioners of the high-roads for the parish of Prince George Winyaw, or a majority of them, shall be, and they are hereby, empowered and required, to lay out, make and keep in repair, a new causey over Lynch's island, instead of that commonly called Lynch's causey, in manner hereinafter directed, that is to say, to run, as nearly as conveniently may be, from the landing of one ferry to that of the other; and that the said causey shall be at least sixteen feet wide and five feet high in the middle, and three feet high on each side above the common level of the surface of the swamp; and shall be made wholly of earth, without any wood, to the height aforesaid; and that the margin or shoulder on each side of the causey shall not be less than ten feet wide; and that all stumps or logs shall be cut away level with the earth, and removed from the margin on the north west side of the said causey, for the conveniency of the ferry boat passing in time of freshes.

New causey to be made over Lynch's island.

II. *And be it further enacted* by the authority aforesaid, That the said new causey shall be made and kept in repair at the equal expense and labour of all the inhabitants from the age of sixteen to sixty years, living and residing in the parish of Prince George Winyaw; and the said commissioners, or a majority of them, are hereby fully authorized, empowered and required, to make and raise such tax and assessment on all the inhabitants aforesaid, and in case of refusal of payment; to levy the same, by warrant of distress, under their hands and seals, on the offender's goods, returning the overplus, if any there shall be.

Who to work on it.

III. *And be it further enacted* by the authority aforesaid, That if the board of commissioners of the high-roads for the parish of Prince George, or any persons acting under their authority, shall be sued or prosecuted for any matter or thing done in the execution of this Act, it shall and may be lawful for them, or any of them, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

General issue may be pleaded.

A.D. 1771.

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Former Acts repealed.

IV. *And be it further enacted* by the authority aforesaid, That the several Acts and clauses of Acts of the General Assembly of this Province heretofore made concerning the said causeway over Lynch's island, shall, and the same are hereby declared to, be repealed and made null and void to all intents and purposes.

Three several ferries established.

V. *And whereas*, several of the inhabitants of Waccamaw, by their humble petition to the General Assembly, have represented many inconveniences which they labour under, by reason of the great number of ferries which they are obliged to pass over, when travelling from thence to Charlestown; and therefore prayed that a ferry may be established from the plantation of John Cogdill, at Waccamaw aforesaid, to Charlestown, that persons travelling from thence to the southward may pass with more ease and conveniency. *Be it therefore enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry be, and is hereby, established at the plantation of John Cogdill, at Waccamaw, from thence to land at Georgetown, and also to land on the south side of Sampit river at the causeway, where a ferry is now kept for transporting passengers from thence to Georgetown; which said ferry shall be, and is hereby, vested in the said John Cogdill, his executors, administrators and assigns, for and during the term of fourteen years. And that one other public ferry shall be, and is hereby, established at Georgetown, from thence to the said plantation of John Cogdill, at Waccamaw; which said ferry shall be, and is hereby, vested in William Allston, his executors, administrators and assigns, for and during the term of fourteen years. And also that one other public ferry shall be, and is hereby, established at the land on the south side of Sampit river, where a ferry is now kept for transporting passengers to Georgetown, from thence to the aforesaid plantation of John Cogdill; which said ferry shall be, and is hereby, vested in the proprietor of the land at the said ferry, his executors, administrators and assigns, for and during the term of fourteen years.

Conditions.

VI. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said John Cogdill, William Allston, and the proprietor of the land on the south side of Sampit river, and for their several and respective executors, administrators and assigns, to take and receive, for the ferrying over persons, their horses and cattle, at the said ferries, respectively, the following rates or prices, and no more, that is to say; for a single person, ten shillings; for a man and horse, twenty shillings; for any two wheeled carriage, twenty-five shillings; for any four wheeled carriage, fifty shillings; for sheep, hogs or calves, per head, five shillings; and for neat cattle, per head, twenty shillings, in the current money of this Province.

VII. *And be it further enacted* by the authority aforesaid, That the said John Cogdill, William Allston, and the proprietor of the land on the south side of Sampit river, their and each of their respective executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain, at their respective ferries, good and substantial ferry boats, with four able-bodied men to attend each boat, as well by night as by day, for the transporting passengers, their servants, horses, carriages and cattle; and if any person coming to either of the said ferries, to pass the same, shall meet with any unreasonable delay, or be unnecessarily retarded, in passing over either of the said ferries, the said John Cogdill, William Allston, and the proprietor of the land on the south side of Sampit river, their and each of their respective executors, administrators and assigns,

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shall forfeit and pay to the person so delayed, ten pounds, current money, and in case the delay shall exceed one hour, ten pounds, like money, for every hour afterwards, to be recovered before any justice of the peace in Craven county, if sued for in ten days after the offence is committed.

VIII. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this Province, all ministers of the gospel, all persons going to or returning from musters of the militia, all persons in time of alarm, and all expresses sent in the service of this Government, be, and they are hereby, exempted from paying any ferriage at the said ferries hereby established, for passing and repassing the same, by themselves, their servants, horses and carriages; any thing herein contained to the contrary thereof in anywise notwithstanding.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners of the high-roads for the parish of Prince George, shall forthwith, at the labour and expence of such of the inhabitants of the said parish as the said commissioners, or a majority of them, shall think proper, lay out, make and keep in repair a public road, to lead from the landing place of the said ferry, hereby vested in John Cogdill, his executors, administrators and assigns, to the high road leading to North Carolina.

Road from
Cogdill's ferry.

X. *And be it further enacted* by the authority aforesaid, That the Act entitled "An Act establishing ferries over Waccamaw and Peedee rivers, and vesting the same in persons therein mentioned, and appointing and empowering commissioners for making roads leading to the said ferries," passed the nineteenth day of March, 1756, and all other Acts and clauses of Acts of the General Assembly of this Province, made concerning the said ferries over Waccamaw and Peedee rivers, be, and the same are hereby declared to be, repealed and made null and void, to all intents and purposes whatsoever.

Former Acts,
repealed.

XI. *And whereas*, several of the inhabitants living in the upper part of the Indian land, Savannah river, and parts adjacent, have represented to the General Assembly many difficulties which they labour under, for want of a road to convey the produce of their lands to the market of Charlestown; and therefore pray that a law may be passed to appoint commissioners to lay out, make and keep in repair, a road from Pocotaligo bridge to Mathew's Bluff, on Savannah river. *Be it therefore enacted* by the authority aforesaid, That the road which now leads from Pocotaligo bridge, on the north side of Coosawhatchie swamp, to or near the nine mile post, be, and the same is hereby declared to be, a public road; and that a road shall be continued from thence the nearest and best way to Mathew's Bluff, on Savannah river; and that all persons who shall or may be benefited by the said roads hereby directed to be laid out and made public, shall be obliged to assist in making and keeping the same in repair, in the same way and manner as the other roads in this Province are made and kept in repair.

Road from Po-
cotaligo to Ma-
thew's Bluff

XII. *And be it also enacted* by the authority aforesaid, That Andrew Postell, James Miles, Joseph Brailsford, John Frederick, and James Smith, be, and they are hereby nominated and appointed, commissioners for keeping in repair the aforesaid road, which leads from Pocotaligo bridge, on the north side of Coosawhatchie swamp, to or near the nine mile post; and also to make and keep in repair a road to be continued from or near the nine mile post aforesaid, till it crosses Coosawhatchie swamp; and that John Garvin, Parker Caradine, Bartlett Brown, Tarlton Brown, and Ulysses McPherson, be, and they are hereby nominated and appointed,

Commissioners
appointed.

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commissioners for making and keeping in repair, a road to be continued from the aforesaid road, which crosses Coosawhatchie swamp, the nearest and best way to Mathew's Bluff, on Savannah river; and that the said commissioners hereby named, shall have as full power and authority, to all intents and purposes, and shall and may, at all times, use the same ways and means for causing the said new road to be laid out, made and kept in repair by the persons hereby made liable to the same, and shall be under the same penalties and forfeitures, as the other commissioners of high-roads in this Province.

Vacancies.

XIII. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners shall die, refuse to act, remove out of the district where they reside, or depart the Province, that then it shall and may be lawful for the other commissioners, or a majority of them respectively, and they are hereby directed and required, to choose another person or persons in the room of him or them so dying, refusing to act, removing out of the district, or departing the Province; and the person or persons so chosen, shall be invested with and have the same powers and authorities, and be liable to the same forfeitures and penalties, as the other commissioners hereby nominated and appointed.

P. MANIGAULT, *Speaker.**In the Council Chamber, the 20th day of March, 1771.**Assented to:* WILLIAM BULL.

No. 1032. AN ACT FOR ESTABLISHING A FERRY OVER SALUDA RIVER, AT THE LANDS OF BENJAMIN COOK, ON BOTH SIDES OF THE RIVER.

Preamble.

WHEREAS, the establishing and making public a ferry over Saluda river, at the lands of Benjamin Cook, will be very convenient to the inhabitants living on the north-west side of the said river, as well as other persons travelling from the back parts of this State to Charlestown, and other parts of the said State:

Ferry over Saluda.

I. *Be it therefore enacted*, by his Excellency John Rutledge, Esquire, President and Commander-in-chief in and over the State of South Carolina, and by the Honorable the Legislative Council, and by the General Assembly of the said State; and by the authority of the same, That from and immediately after the passing of this Act, a public ferry shall be, and it is hereby, established, at the lands of Benjamin Cook, on Saluda river; and that the said ferry shall be, and it is hereby, vested in the said Benjamin Cook, his executors, administrators and assigns, for and during the term of seven years.

Vested in B. Cook.

Conditions.

II. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Benjamin Cook, his executors, administrators and assigns, to take and receive, for the ferrying over persons, their servants, carriages, horses and cattle, at the said ferry, the following rates and prices, and no more; that is to say:—for a foot passenger, the sum of

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one shilling and three pence ; for a man and horse, the sum of two shillings and six pence ; for a chair and horse, or cart and horse, the sum of seven shillings and six pence ; for a wagon, or any other four wheeled carriage and five horses, twelve shillings and six pence ; for every head of black cattle and horses, ferried or swam over the said ferry, one shilling and three pence ; and for every head of sheep or hogs ferried, one shilling, in the current money of this State.

III. *And be it also enacted* by the authority aforesaid, That the said Benjamin Cook, his executors, administrators and assigns, shall always, during the said term of seven years, keep and maintain a good and sufficient ferry boat, with two able bodied men to attend the said ferry, as well by night as by day, for the transporting of passengers, their servants, carriages, horses and cattle ; and if any person coming to the said ferry to pass over the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing over the said ferry, the said Benjamin Cook, his executors, administrators and assigns, shall forfeit and pay to the person so delayed, the sum of forty shillings, current money ; and in case such delay shall exceed one hour, the sum of twenty shillings, like money, for every hour afterwards, to be recovered before any justice of the peace in the district of Ninety-six, if sued for within ten days after the offence committed.

IV. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a public ferry within four miles of the said ferry on Saluda river, except such as are now or may be hereafter established by law, during the said term of seven years.

V. *And be it further enacted* by the authority aforesaid, That the President and Commander-in-chief of this State for the time being, the Vice President for the time being, all ministers of the gospel, all persons on Sundays going to or returning from any place of divine worship, all persons going to or returning from muster, at any time appointed for the muster of the militia, and all persons going to and returning from the election of members of Assembly, or in time of alarm, and all troops in the Continental service, all expresses and messengers sent in the service of this State, and also all free Indians, are hereby exempted from paying any ferriage at the said ferry, for themselves, their servants, carriages or horses ; any thing herein before contained to the contrary notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATHEWS, *Speaker of the General Assembly.*

In the Council Chamber, the 16th day of January, 1777.

Assented to :

J. RUTLEDGE.

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No. 1033. AN ACT FOR VESTING THE FERRY OVER ASHLEY RIVER, IN EDWARD LEGGE, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR SEVEN YEARS.

Preamble.

WHEREAS, the law for establishing the ferry over Ashley river is expired, and there is a necessity the said ferry, and causey leading thereto, be kept in good order, for the better communication and intercourse with the southern parts of this State: Therefore,

Ashley ferry
vested in E.
Legge.

Conditions.

I. *Be it enacted*, by his Excellency John Rutledge, Esquire, President and Commander-in-chief of the State of South Carolina, and by the Honorable the Legislative Council, and the General Assembly of the said State, and by the authority of the same, That the ferry over Ashley river, commonly called Ashley ferry, leading from Charlestown to Stono and the southern parts of this State, be, and the same is hereby declared to be, vested in Edward Legge, his executors, administrators and assigns, from the time of passing this Act for and during and unto the full end and term of seven years then next ensuing. And that it shall and may be lawful to and for the said Edward Legge, his executors, administrators and assigns, during the said term, to demand and receive, and to take to his and their own proper use, from all persons passing or re-passing or making use of the said ferry, the several rates of ferriage and sums following, in current money, viz:—for every single person, seven pence half penny; for every man and horse, the sum of one shilling and three pence; for every chair, chaise and single horse, or cart and single horse, five shillings; for every four wheeled chair or chaise, or coach or charriot and pair of horses, the sum of seven shillings and six pence; for a coach or charriot and four, the sum of ten shillings; for a coach or charriot and six, the sum of fifteen shillings; for a wagon and two horses, the sum of seven shillings and six pence; for a wagon and four horses, the sum of ten shillings; for a wagon and six horses, twelve shillings and six pence; for every head of neat cattle or horses, ferried or swam over the said ferry, the sum of seven pence half penny; for every head of sheep, hogs or calves, the sum of seven pence half penny. And the said Edward Legge, his executors, administrators or assigns, shall be, and they are hereby, obliged and required to make and keep the causey twenty feet wide at top, and to be raised one foot above high-water mark at spring tides, leading through the marsh to the said ferry, in good and constant repair and condition, at his and their own cost and charge; and shall also find and constantly keep a good substantial ferry boat or boats, with a stage or entering board, also a capstan, and a sufficient rope across the river, and such other conveniences as are at present used for transporting men, horses, cattle, coaches, carts and waggons, and every other carriage, over the said ferry; and shall also find and constantly keep employed in the said boat, and in the ferrying thereof over the said river, two able and sufficient men, who shall constantly attend the said ferry, as well by night as by day, to ferry over all passengers, their servants, slaves, horses and carriages, when and as often as there shall be occasion.

II. *And be it further enacted* by the authority aforesaid, That in case any person or persons coming to the said ferry in order to pass over the same, shall meet with unreasonable delays, or be retarded in their passage over the said ferry, he, the said Edward Legge, his executors, administrators and assigns, shall forfeit and pay for every such offence, to the person

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and persons so delayed, for every twenty minutes, at the rate of forty shillings, to be recovered before any justice of the peace for Charlestown district, as is provided by the Act for the trial of small and mean causes; provided, that such forfeiture be sued for within ten days after such delay shall happen, and at no time after. And for conveniency and shelter of persons coming down the said causey to the ferry from the inclemency of the weather, the said Edward Legge, his executors, administrators and assigns, shall be obliged to build and keep in good repair, during all the said term, a shed, sufficient to shelter passengers from rain and the sun, thirty feet long and twenty feet wide, on the river side. And for the better accommodation of travellers passing over the said ferry, the said Edward Legge, his executors, administrators and assigns, are hereby required and obliged to keep, or cause to be kept, a proper house of public entertainment, for and during the said term of seven years, under the penalty of losing the benefit of this Act.

III. *And be it further enacted* by the authority aforesaid, That the President and Commander-in-chief of this State for the time being, the Vice President for the time being, all ministers of the gospel, all persons on Sundays going to or returning from any place of divine worship, all persons going to or returning from muster, at any time appointed for muster of the militia, and all persons going to and returning from the election of members of Assembly, or in time of alarm, and all troops in the Continental service, all expresses and messengers sent in the service of this State, and also all free Indians, are hereby exempted from paying any ferriage at the said ferry, for themselves, their servants, carriages or horses; any thing hereinbefore contained to the contrary notwithstanding.

IV. *And be it further enacted* by the authority aforesaid, That the said Edward Legge, his executors, administrators and assigns, shall be, and they are hereby, obliged to put the said causey in good and sufficient order, agreeable to the directions of this Act, within six months next after passing the same, and shall keep it at all times in the same state, under the penalty of losing the benefit of this Act, and of forfeiting the sum of five hundred pounds, current money, to be recovered by action of debt, bill, plaint, or information, in any court of record in this State, wherein no privilege, protection or wager of law shall be admitted or allowed; which said forfeiture shall be applied to the use of the person or persons that will sue for the same. *Provided always*, that such suit shall be commenced within six months after such forfeiture is incurred, and at no time after. *Provided always nevertheless*, that nothing contained in this Act shall extend, or be construed to extend, to restrain any person or persons from building a bridge over Ashley river, at or near the said ferry, according to an Act of Assembly, passed the eighth day of May, one thousand seven hundred and fifty-four. *And provided also*, that nothing herein contained shall extend, or be construed to extend, to the impowering the said Edward Legge, or his assigns, to keep the said rope across the said river at the time of any boat or vessel passing the same, so as to impede the navigation of the said river.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

JOHN MATHEWS, *Speaker of the General Assembly.*

In the Council Chamber, the 16th day of January, 1777.

Assented to :

J. RUTLEDGE.

A. D. 1777.

Acts relating to Roads, Bridges and Ferries.

No. 1056. AN ACT FOR LAYING OUT, MAKING AND KEEPING IN REPAIR, A PUBLIC ROAD, IN THAT PART OF SAINT PETER'S PARISH FROM KING CREEK TO THE PLANTATION OF JOHN ALLEN, IN THE SAID PARISH, AND FROM THENCE CONTINUED TO COOSAWHATCHIE BRIDGE; ALSO, THAT ANOTHER ROAD BE LAID OUT FROM THE SAID ALLEN'S TO THE TWO SISTERS'S FERRY.

Preamble.

WHEREAS, many of the freeholders and inhabitants of the upper part of Saint Peter's Parish and parts adjacent in Granville county, by their petition to the General Assembly, set forth that they have been heretofore entirely without a convenient public road along Savannah river leading to the metropolis, and to a public landing, for want of which road the produce of the plantations near that river has been impeded from being brought to market in this State, and themselves put to many inconveniences; wherefore,

Road from
King Creek to
Coosawhatchie
bridge.

I. *Be it enacted*, by his Excellency John Rutledge, Esquire, President and Commander-in-chief of the State of South Carolina, by the Honorable the Legislative Council, and by the General Assembly of the said State, and by the authority of the same, That from and immediately after the passing of this Act, a public road be laid out and worked upon, from King Creek, the upper line of Saint Peter's Parish, to the plantation of the late John Allen, in the said parish, and from thence to Coosawhatchie Bridge, upon the line between the lands of the Honorable John Drayton and John Wragg, Esquire. And that all the male inhabitants, from the age of sixteen to sixty years, shall work upon the said road, from King Creek to Allen's, who are or shall be settled between that part of the road and Savannah river, and within four miles on the northern side of the said road; and on that part of the road from Allen's to Coosawhatchie Bridge, all the inhabitants shall work on the last part of the said road, who are, or shall be, within four miles of the same, except those who reside on the eastern side of Cypress Creek. And that Edward Stutford, William Statford, James Thomson, James Moore, John Moore, Henry Gendrett, Aquila Miles, and Joseph Laughton, be commissioners for the said road, from King Creek to Coosawhatchie.

From Allen's
to the Two
Sisters's ferry.

II. *And be it further enacted* by the authority aforesaid, That another road be laid out and worked upon, from the said John Allen's to the Two Sisters's Ferry, on Savannah river; and that the said road shall be made and kept in repair by all the male inhabitants, from the age of sixteen to sixty years, who now, or hereafter may, reside within two miles and a half of the said road. And that John Grimball, Sr, John Smith, and Henry Gendratt, be commissioners.

Who to work
on them.

III. *And be it further enacted* by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years of age, shall be, and they are hereby, obliged to make the said roads, cutting the stumps level with the ground; and to keep the same in repair. And in case any of the inhabitants obliged by this Act to work on the said roads, shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures as any persons by Act of the General Assembly for making roads are liable.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners herein named, or the majority of those nominated, for each

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Powers of
Comm'rs.

of the said roads, respectively, shall have, use and exercise, all the powers and authorities for carrying this Act into execution, as are given to any other commissioners of high roads; and shall, also, be subject and liable to the same fines and penalties as other commissioners of high roads are made subject and liable to by any Act or Acts of Assembly of this State.

V. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, or any of them, respectively, or any other person, or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, or other persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

In the Council Chamber, the 22d day of August, 1777.

Assented to:

J. RUTLEDGE.

AN ACT TO MAKE AND KEEP IN REPAIR A ROAD FROM NINETY-SIX No. 1064.

COURT HOUSE TO THE MILL OF GEORGE REED, ON LONG CANE CREEK, AND FROM THENCE TO PRATT'S MILL, ON THE NORTH-WEST FORK OF LONG CANE; AND ALSO, FROM JOSEPH WARDLAW'S TO JOHN CALHOUN'S MILL, ON CORONAKA, AND FROM THENCE TO NORWOOD'S MILL, ON SALUDA RIVER.

WHEREAS, the inhabitants on the west side of Saluda river, in the District of Ninety-Six, have, by their petition, prayed that a public road may be laid out from Captain George Reed's mill, on Long Cane Creek, to Ninety-Six Court House, and from Ninety-Six Court House to John Calhoun's mill, at Coronaka. Preamble.

I. *Be it therefore enacted*, by his Excellency John Rutledge, Esquire, President and Commander-in-chief in and over the State of South Carolina, by the Honorable the Legislative Council, and the General Assembly of the said State, and by the authority of the same, That a public road be laid out from Ninety-Six Court House to the mill of Captain George Reed, on Long Cane Creek, and from thence to Pratt's mill, on the north-west fork of Long Cane. And that all male inhabitants, between the ages of sixteen and sixty years, from the Cherokee Old Road, to the south-west, and within four miles of the road to the south above Ninety-Six, shall be liable to make and keep in repair the said road from Ninety-Six to Reed's mill, and shall not be liable to work on any other road whatever. And that all the male inhabitants, from the age of sixteen to sixty years, within four Road from
Ninety Six to
Long Cane
Creek.

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miles on the north, and one mile and a half on the south side of the road from Reed's to Pratt's, be liable to work, make and keep in repair the said road; and shall not be liable to work on any other road whatever.

II. *And be it further enacted* by the authority aforesaid, That Captain George Reed, John Wilson, John Wardlaw, John Moore, John Logan and Andrew Miller, be, and they are hereby appointed, commissioners to lay out and give directions for making and keeping in repair the said road.

III. *And be it further enacted* by the authority aforesaid, That a public road be laid out from Joseph Wardlaw's to John Calhoun's mill, on Coronaka, and from thence to Samuel Norwood's mill, on Saluda river. And that all the male inhabitants, from the age of sixteen to sixty years, between Saluda river and the Cherokee Old Road, above Ninety-Six, shall be liable to make and keep in repair the said road; and shall not be liable to work on any other road whatever.

IV. *And be it further enacted* by the authority aforesaid, That Adam Crane Jones, Joseph Wardlaw, Francis Logan, John Calhoun, and Samuel Norwood, be, and they are hereby appointed, commissioners to lay out and give directions for making and keeping in repair the said road.

V. *And be it further enacted* by the authority aforesaid, That the commissioners of the said roads, respectively, shall have the same powers and authorities, and be under the same restrictions, in laying out, making and keeping in repair the said roads, as any other commissioners of the high roads and public paths in any other part of the State are invested with or subject to; any law, usage or custom to the contrary thereof in any wise notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

In the Council Chamber, the 5th day of March, 1778.

Assented to:

J. RUTLEDGE.

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AN ACT FOR ESTABLISHING A FERRY OVER THE WATEREE RIVER; AT THE PLANTATION OF JOSEPH MICKLE, AND VESTING THE SAME IN THE SAID JOSEPH MICKLE, AND HIS HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM OF FOURTEEN YEARS; AND ALSO, FOR DIVIDING THE GREAT ROAD ON THE NORTH-EAST SIDE OF THE SAID RIVER, BEGINNING AT RAFTON CREEK AND RUNNING TO THE BOUNDARY LINE BETWEEN THIS STATE AND NORTH CAROLINA, AND APPOINTING COMMISSIONERS FOR THE SAME; AND ALSO, FOR APPOINTING A BOARD OF COMMISSIONERS FOR CLEANING THE WATEREE RIVER AND KEEPING THE SAME NAVIGABLE, BY AN ASSESSMENT ON THE INHABITANTS, AND LANDS UNINHABITED, WITHIN THE DISTRICT HEREIN MENTIONED, IN LIEU OF PERSONAL LABOR. No. 1073.

WHEREAS, it is thought necessary to establish a ferry over Wateree river, at the plantation of Joseph Mickle.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esquire, President and Commander-in-chief in and over the State of South Carolina, by the Honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That immediately from ^{Ferry over} and after the passing of this Act, a public ferry be, and is hereby, established at the lands of Joseph Mickle, in the parish of Saint Mark, over the Wateree river; and that the said ferry shall be, and is hereby, vested in ^{the said Joseph Mickle, his heirs, executors, administrators and assigns,} ^{Vested in J. Mickle.} for and during the term of fourteen years.

II. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Joseph Mickle, his heirs, executors, administrators and assigns, to take and receive, for the ferrying over persons, ^{Conditions:} their horses, carriages and cattle, at the said ferry, the following rates, and no more, that is to say:—for every single person, one shilling and three pence; for a man and horse, two shillings and six pence; for a horse and chair, or horse and cart, ten shillings; for a four wheeled carriage and four horses, twenty-five shillings; for neat cattle, ferried or swam, per head, one shilling and three pence; and for calves, sheep or hogs, ferried over or swam, per head, seven pence half penny, in the current money of this State.

III. *And be it further enacted* by the authority aforesaid; That the said Joseph Mickle, his heirs, executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry boat or boats, for the purpose of transporting passengers, their servants, carriages, horses, neat cattle, hogs and sheep, over the said ferry, as well by night as by day. And that if any person coming to the said ferry shall meet with any unreasonable delay or be unnecessarily retarded in passing the said ferry, the said Joseph Mickle, his heirs, executors, administrators and assigns, shall forfeit and pay, to the persons so delayed, five pounds, current money, for every hour they shall be so delayed or retarded; to be recovered before the nearest justice of the peace in the district of Camden.

IV. *And whereas*, two Acts of Assembly, the one passed on the twenty-first day of April, in the year of our Lord one thousand seven hundred and fifty-three, and the other passed the ninth day of August, in the year of

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for clearing
Wateree river.

our Lord one thousand seven hundred and sixty-five, for clearing and keeping the Wateree river navigable, are found insufficient, by reason of the deaths and removals of the commissioners therein named from that district; and also, by reason of the impracticability of doing the same by personal labor. *Be it therefore enacted* by the authority aforesaid, That Joseph Kershaw, John Chesnut, Andrew Allison, Matthew Singleton, George Ogilvie, John Wily, John Millhous, Isham Moore, and Joshua English, be, and they are hereby appointed, commissioners to clear the said Wateree river, and keep the same navigable, pursuant to the said Acts; and that instead of doing the same by personal labor, the said commissioners be, and they are hereby, empowered, from time to time, to assess the inhabitants, and also, such lands and negroes as belong to non-residents, within the limits in the said Acts mentioned; and to take all ways and means for the recovery of such assessments as in such cases are usual.

Commissioners
for roads in
Camden Dist.

V. And *whereas*, it is found that the district on the east side of the Wateree river, in Camden District, is so extensive that one board of commissioners are not sufficient for keeping the roads therein in repair. *Be it therefore enacted* by the authority aforesaid, That the said district, on the east side of the Wateree river, be divided; and that Joseph Kershaw, John Wily, George Ogilvie, Henry Rugeley, John Millhous, Burwell Boykin, John Chesnut, William Kershaw, and William Boykin, be, and they are hereby appointed, commissioners for keeping all the roads in repair from Rafton Creek to Grany's Quarter Creek; and that Henry Foster, George Douglas, William Massie, John Marshal, Andrew Baskin, George Ross, Robert Crawford, John Lowry, and Glass Caston, be, and they are hereby appointed, commissioners for keeping all the roads in repair from the said Grany's Quarter Creek to the boundary line between this State and North Carolina; and that the said commissioners shall and may have all the powers and authorities given and granted, or meant and intended to be given and granted, in and by the former Acts for keeping the said roads in repair, and be subject and liable to like penalties.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

In the Council Chamber, the 16th day of March, 1778.

Assented to:

RAWLINS LOWNDES.

Acts relating to Roads, Bridges and Ferries.

A. D. 1778.

AN ACT FOR LAYING OUT A ROAD BETWEEN CATAWBA RIVER AND BROAD RIVER; AND FOR ESTABLISHING A FERRY ON THE LANDS OF MATHEW BIGGER. No. 1086.

WHEREAS, a road properly laid out from Mathew Bigger's ferry, on Catawba river, to Talbert's ferry, on Broad river, will be very advantageous to the inhabitants of the district called the New Acquisition: And *whereas*, the establishing a public ferry over the Catawba river, on the lands of the said Mathew Bigger, will be very convenient to the said inhabitants and travellers in general:

Preamble.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esquire, President and Commander-in-chief in and over the State of South Carolina, by the Honorable the Legislative Council, and the General Assembly of the said State, and by the authority of the same, That from and immediately after the passing of this Act, a public road shall be, and is hereby, established, between the said Mathew Bigger's ferry, on Catawba river, to Talbot's ferry, on Broad river, and the commissioners for the high-roads of the said district are hereby authorized and empowered to lay out the said road.

Road from Bigger's ferry to Talbot's ferry.

II. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established, at the lands of Mathew Bigger, on Catawba river; and the said ferry shall be, and is hereby, vested in the said Mathew Bigger, his executors, administrators and assigns, for and during the term of fourteen years.

Ferry established at Bigger's.

III. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful to and for the said Mathew Bigger, his executors, administrators and assigns, to take and receive, for the ferrying over persons, their servants, carriages, horses and cattle, at the said ferry, the following rates and prices, and no more, that is to say:—for a foot passenger or single horse, one shilling and three pence; a man and horse, two shillings and six pence; a wagon and team, twenty shillings; a cart and horses, fifteen shillings; for black cattle ferried or swam over, one shilling and three pence per head; for every head of sheep or hogs so ferried or swam over, six pence, in the current money of this State.

Conditions.

IV. *And be it also enacted* by the authority aforesaid, That the said Mathew Bigger, his executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry boat, with two able bodied men to attend the said ferry, as well by night as by day, for the transporting of passengers, their servants, carriages, horses and cattle; and if any person coming to the said ferry to pass over the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing over the said ferry, the said Mathew Bigger, his executors, administrators and assigns, shall forfeit and pay to the person so delayed, the sum of forty shillings, current money; and in case such delay shall exceed one hour, the sum of twenty shillings, like money, for every hour afterwards; to be recovered before any justice of the peace in the district called the New Acquisition, if sued for within ten days after the offence committed.

V. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a public ferry within four miles of the said ferry on Catawba river, except such as are now, or may be hereafter, established by law, during the said term of fourteen years.

A. D. 1778.

Acts relating to Roads, Bridges and Ferries.

VI. *And be it further enacted* by the authority aforesaid, That the President and Commander-in-chief of this State for the time being, the Vice President for the time being, all ministers of the gospel, all persons on Sundays going to or returning from any place of divine worship, all persons going to or returning from muster, at any time appointed for the muster of the militia, and all persons going to and returning from the election of members of Assembly, or in time of alarm, and all troops in the Continental service, all expresses and messengers sent in the service of this State, and also all free Indians, are hereby exempted from paying any ferriage at the said ferry, for themselves, their servants, carriages or horses; any thing hereinbefore contained to the contrary notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

In the Council Chamber, the 28th day of March, 1778.

Assented to:

RAWLINS LOWNDES.

No. 1087. AN ACT FOR ESTABLISHING SEVERAL FERRIES; AND ALSO FOR REVIVING SEVERAL LAWS FOR THE ESTABLISHMENT OF SEVERAL OTHER FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble. WHEREAS, the accommodation and conveniency of well regulated ferries within this State, is essential to the commercial intercourse and prosperity of the same, and it is therefore necessary to establish several ferries under proper regulations, and to revive several laws for the regulation of certain other ferries within this State:

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esquire, President and Commander-in-chief in and over the State of South Carolina, by the Honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over Congaree river, from the lands of Colonel William Thomson, on the north, to lands of David Friday, on the south side thereof; that the said ferry shall be, and is hereby, vested in the said William Thomson and David Friday, respectively, their respective executors, administrators and assigns, for and during the term of fourteen years; that it shall and may be lawful for the said William Thomson and David Friday, respectively, and their respective executors, administrators and assigns, to take and receive, for the ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, the following rates of ferriage, and no other, that is to say:—for a foot passenger, one shilling and three pence; for a man and horse, two shillings and six pence; for a loaded wagon, fifteen shillings; for an empty wagon, ten shillings; for any two wheeled carriages, ten shillings; for every head of neat cattle, horses, calves, sheep or hogs, ferried or swam over the said ferry, one shilling and three pence, in the current money of this State; and also, that the said William Thomson

Ferry over
Congaree, at
lands of Thom-
son and Friday.

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and David Friday, respectively, and their respective executors, administrators and assigns, shall constantly, on their respective behalfs, during the said term of fourteen years, keep and maintain one good and sufficient ferry boat or boats, and other necessities for the transporting passengers, their servants, carriages, horses and cattle, over the said ferry, as well by night as by day.

II. *And be it further enacted* by the authority aforesaid, That the following roads, on the north side of the said Congaree river, that is to say, ^{Certain roads declared public.} the North Carolina road, as far as Spear's creek; the road leading to Catawba river, as far as David Hay's, on the head of Cedar creek; and the road leading up the river as low as Russel's ferry, be, and they are hereby declared to be, public roads; and that Thomas Taylor, James Taylor, William Strother, Nicholas Grub, William Reeves, Captain William Howell, John Kennerly, John Gill and Captain Robert Goodwin, be, and they are hereby appointed, commissioners to keep the same in repair.

III. *And be it further enacted* by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years, living within six miles on each side of the roads hereby established, shall be, and they are hereby, obliged to keep the same in repair; and in case any of the inhabitants obliged by this Act to work on the said roads, shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures as any persons by Act of the General Assembly of this State for making and keeping roads in repair are.

IV. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners in this Act named, shall happen to die, depart the State, or refuse to act, then it shall and may be lawful for the other commissioners, or a majority of them, respectively, to nominate and appoint another person or persons, to be commissioner or commissioners, in the room of him or them so dying, departing the State, or refusing to act; and the person or persons so chosen, shall be vested with the same powers and authorities as the commissioners hereby appointed.

V. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established from Chaning's Point, in this State, to Mr. Rae's, in the State of Georgia, and that the same is hereby vested in John Channing, his executors, administrators and assigns, for the term of seven years; and that the said John Channing, his executors, administrators and assigns, shall take the following, and no other, rates or prices, for the said ferry, that is to say:—for a foot passenger, ten shillings; for each man and horse, twenty shillings; for each chair, chaise or cart and one horse, thirty shillings; for every charriot or coach and two horses, fifty shillings; and for every head of neat cattle, ten shillings; and also, that the said John Channing, his executors, administrators or assigns, shall constantly keep, in good order and repair, two good and sufficient ferry boats, and other necessities for transporting passengers, their servants, carriages, horses and cattle, over the said ferry, by night as well as by day. Also, that the road leading from Charleston to Purysburgh shall be continued to the said ferry, and likewise a road from New River bridge, to intersect the said road, shall also be laid out by the commissioners hereinafter appointed for that purpose; which roads are hereby declared public roads; and that Robert Dillon, John Lewis Buche, Joachim Hardstone, David Heal, Richard Pendarvis, Matthew Patterson and John Lewis Bourquin, are hereby declared commissioners for that, and keeping the said roads in repair.

Ferry at Channing's Point.

Roads thereto.

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VI. *And be it further enacted* by the authority aforesaid, That all male slaves, from the age of sixteen to sixty years, living to the south and eastward of the road leading from Purysburgh to New River bridge, shall be obliged to work on and repair the said road, whenever and for such time as the said commissioners shall deem it necessary.

Ferry over Pee
Dee.
Vested in F.
Port.

VII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over great Pee Dee river, on lands belonging to Frances Port, and that the same is hereby vested in the said Frances Port, her executors, administrators and assigns, for the term of seven years; and the said Frances Port shall take the following, and no other, rates or prices, for ferriage over the said ferry, that is to say, all the rates to the first landing place shall be as follows, and no more, to wit:—for a foot passenger, or a single horse, fifteen pence; for a rider and horse, two shillings and six pence; for a horse and chaise, seven shillings and six pence; cart and team, ten shillings; wagon and team, twenty shillings; cattle and horses swimming over, per head, one shilling; hogs or sheep, per head, six pence,—and all rates to the second landing place shall be as follows, and no more, that is to say:—for a foot passenger, or single horse, two shillings and six pence; for a rider and horse, five shillings; for a horse and chair, thirteen shillings and six pence; for a cart and team, fifteen shillings; wagon and team, twenty-five shillings; cattle and horses per head swimming, one shilling and six pence; hogs or sheep, per head, nine pence,—and also all rates to the third landing place, at Sandy creek, shall be as follows, and no more, that is to say:—for a foot passenger, five shillings; a rider and horse, ten shillings; horse and chair, fifteen shillings; cart and team, twenty shillings; wagon and team, thirty-two shillings and six pence; cattle and horses swimming, per head, two shillings; hogs or sheep, per head, one shilling,—and also all rates from bluff to bluff, shall be as follows, and no more, that is to say:—for a foot passenger, six shillings and three pence; rider and horse, twelve shillings and six pence; horse and chair, twenty shillings; cart and team, twenty-five shillings; wagon and team, thirty-five shillings; cattle and horses swimming, per head, two shillings and six pence; hogs and sheep, per head, one shilling and six pence. And also, that the said Frances Port, her executors, administrators and assigns, shall constantly, during the seven years, keep and maintain at least two good and sufficient ferry boats, and other necessities for the transporting of passengers, their servants, carriages, horses and cattle, over the said ferry, as well by night as day. Also, that a road leading from the said ferry from the north-east side of Great Pee Dee river through the swamp, be laid out and carried through the said swamp, and continued from thence to Mr. Fowley Dawson's, by the commissioners hereby and hereinafter named and to be appointed. And also, that a road be laid out and continued from the opposite side of the said river, by the said commissioners hereby to be appointed, to Witherspoon's ferry, on Lynch's creek; which roads are hereby deemed and declared public roads.

Roads thereto.

Who to work
on them.

VIII. *And be it further enacted* by the authority aforesaid, That William Snow, Hugh Giles and John Irvine, are hereby named and appointed commissioners to lay out the said roads, and shall keep the same in repair; and that all male inhabitants, from the age of sixteen to sixty years, within six miles of each of the said roads, shall, and are hereby declared to, be obliged to work on the said roads respectively near which they shall so

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live as aforesaid, whenever the said commissioners shall declare the same necessary, and summon each inhabitant so to do.

IX. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over Little Pee Dee river, on lands of James Johnston on the said river, at the place where a ferry is now kept by the said James Johnston, and shall be, and is hereby, vested in the said James Johnston, his executors, administrators and assigns, for the term of fourteen years; and that the said James Johnston, his executors, administrators and assigns, shall and may take and receive, for ferrying over the said ferry persons, their carriages, servants, horses and cattle, at the said ferry, the following rates, that is to say:—for a foot passenger, fifteen pence; for a man and horse, two shillings and six pence; for a loaded wagon, twenty shillings; for an empty wagon, fifteen shillings; for any two wheeled carriage, seven shillings and six pence; for every head of neat cattle, horses, calves, sheep or hogs, ferried or swam over, one shilling, current money; also, that the said James Johnston shall constantly, during the said term of fourteen years, keep and maintain one good and sufficient ferry boat, and other necessities for the transporting passengers, their servants, carriages, horses and cattle, over the said ferry, as well by day as night. And also, that a road shall be laid out and established from the north side of the said river through the swamp to Mr. Jordan's, by the commissioners hereinafter to be named for that purpose; and that another road from the south side of the said river be also laid out and established by the said commissioners to Mr. Fletcher's; which roads are hereby declared to be public roads.

Ferry over
Little Pee Dee.
Vested in J.
Johnston.

Roads thereto.

X. *And be it further enacted* by the authority aforesaid, That William Snow, Hugh Giles and John Irvine, be, and are hereby declared, commissioners to lay out and keep the said roads in repair; and that all the male inhabitants and slaves, from sixteen to sixty years, living within six miles of the said roads, shall be, and are hereby declared to be, obliged to work on the said roads, for the laying out and repairing the same, whenever the commissioners appointed by this Act for laying out or keeping the same in repair shall judge necessary.

Who to work
on them.

XI. *And be it further enacted* by the authority aforesaid, That immediately after the passing of this Act, a public ferry shall be, and is hereby, established on Saluda river, near the place where a ferry formerly vested by law in Robert Cunningham, was established, at a place called the Island Ford, about a quarter of a mile above the falls; and that the said ferry shall be, and is hereby declared to be, vested in Colonel James Mayson, his executors, administrators and assigns, for the term of seven years; and from and after the expiration of the said term, the said ferry shall be, and is hereby declared to become, vested in the said James Mayson and James Creswell, jointly, their and each of their respective executors, administrators and assigns, as tenants in common, for the further term of seven years; the said James Mayson, his executors, administrators and assigns, keeping the said ferry on the side whereof he is now owner and proprietor of the land, for the said last mentioned term; and the said James Creswell, his executors, administrators and assigns, keeping the said ferry at the other side, and whereof he is now owner and proprietor of the land, for the said last mentioned term; and that the said James Mayson, his executors, administrators and assigns, for the said first mentioned term of seven years, the said James Mayson and James Creswell, their and each of their executors, administrators and assigns, for the said last mentioned term of

Ferry over
Saluda at the
Island Ford.

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seven years, shall take and receive the following rates of ferriage, for ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, and no more, that is to say:—for a foot passenger, fifteen pence; for a man and horse, two shillings and six pence; for a loaded wagon, twenty shillings; for a wagon and team, thirty-two shillings and six pence; for any two wheeled carriage, fifteen shillings; for every head of neat cattle, horses, calves, sheep or hogs, ferried or swam over the said ferry, one shilling and three pence; and also, that the said James Mayson, his executors, administrators and assigns, for the said first mentioned term of seven years, and the said James Mayson and James Creswell, their and each of their executors, administrators and assigns, for the said last mentioned term of seven years, shall keep two good and sufficient ferry boats, and other necessities for the transporting passengers, their servants, carriages, horses and cattle, over the said ferry, as well by night as day. And also, that the roads leading to and from each ferry, hitherto laid out and deemed public roads, by any law which established and vested the said ferry in the said Robert Cunningham, shall forthwith hereafter be repaired, and constantly kept in good order, by the commissioners herein-after named for that purpose, and are hereby deemed public roads.

Roads thereto.

Who to work on them.

XII. *And be it further enacted* by the authority aforesaid, That James Moore, John Moore, William Moore, Thomas Wilson, William Anderson, James Williams, John Williams and Robert Gillam, be, and are hereby appointed, commissioners to keep the same in repair; and that all male inhabitants or slaves, from the age of sixteen to sixty years, being within six miles of the said last mentioned roads, shall be, and are hereby, obliged to work on the same, and repair the same, whenever the commissioners of such roads, hereby appointed and to be appointed, shall direct.

Penalty for neglect.

XIII. *And be it further enacted* by the authority aforesaid, That all male inhabitants, liable by this Act to work on any of the roads therein mentioned, who shall neglect or refuse to do the same, shall, for every day's neglect or refusal of so doing, forfeit and pay the sum of five pounds; and every person having slaves who are liable to work on any of the roads in this Act mentioned, and shall neglect or refuse to send any of such slaves to work on such road on which they are liable to work by this Act, shall, for every day's neglect or refusal to send each of such slaves, forfeit and pay the sum of twenty shillings.

Vacancies.

XIV. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners in and by this Act named, and to be named, for any of the roads therein mentioned, shall happen to die, depart the State, or refuse to act, then it shall and may be lawful for the other of such commissioners, or a majority of them, respectively, for any of such roads, to nominate and appoint another person or persons, to be commissioner or commissioners for such road, in the room of him or them so dying, departing the State, or refusing to act; and the person and persons so chosen, shall be invested with the same powers and authorities as the commissioners of any such road hereby appointed.

Powers of Comm'rs.

XV. *And be it further enacted* by the authority aforesaid, That the commissioners herein named for any of the roads in this Act mentioned, and others to be appointed by them, respectively, for such road or roads, or a majority of them, shall have all the power and authority, by warrant under hand and seal, to levy, and cause to be paid, any of the fines incurred by this Act; and to exercise all and as full powers and authorities for carrying this Act, or any part thereof, respecting such commissioners,

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into execution, as are vested in any other commissioners of high roads, by any law of this State.

XVI. And *whereas*, an Act of the General Assembly of this State, passed the twenty-ninth day of May, one thousand seven hundred and sixty-two, for establishing a ferry from the plantation of George Roupell, Esquire, called Patterson's Point, on Port Royal Island, to the land of Joshua Morgan, on Indian land, and vesting the same in the said George Roupell, his executors, administrators and assigns, for the term of ten years; and for establishing another ferry on the land of the said Morgan, to the said Island, and vesting the same in the said Morgan, for the like term, is expired, and it is necessary that the said ferries be kept up and continued, under proper regulations. *Be it therefore enacted* by the authority aforesaid, That the said Act shall henceforth be, and is hereby, revived and continued, and declared to be of full force for the further term of seven years, in like manner as if the same had not been expired, but was expressly limited to continue for the said seven years from the passing of this Act; except such part of the same as vested the said ferry in Joshua Morgan, deceased, which is hereby vested in Daniel DeSaussure, Esquire, his executors, administrators and assigns, in trust for William Obrien, a minor, now heir at law to the land from whence the said ferry is fixed; any thing herein contained to the contrary notwithstanding.

Act No. 921,
revived and
continued.

XVII. And *be it further enacted* by the authority aforesaid, That it shall not be lawful for any person or persons whomsoever, keeping any ferry in this State, and usually transporting any passengers or travellers over the same, to take any rates of ferriage, any other or greater sum or sums of money or reward whatever, for transporting any travellers, their servants, carriages, horses and other effects, over any such ferry, than are allowed for the same by the last Act of Assembly establishing such ferry, or regulating such rates of ferriage, notwithstanding any such Act of Assembly being expired at the time of passing this law, on pain that every person so offending, shall, for every such offence, forfeit and pay the sum of twenty pounds, current money, to be recovered before any justice of the peace for the district where such offence is committed, on information thereof, in like manner as recoveries are had in causes small and mean. And also, that every such person keeping any such ferry, shall be liable to all the pains and penalties inflicted for detaining passengers or travellers applying for passage over the same, in like manner as if the law by which such ferry was so established had not been expired; to be recovered before any justice of the peace, in like manner as recoveries are had in causes small and mean.

Rates of ferriage regulated.

XVIII. And *whereas*, great inconveniencies have arisen in several parishes and districts in this State, for want of a power being vested in the several boards of commissioners authorizing them to parcel out the said roads in such parishes and districts to and amongst the inhabitants and others liable to work on high-roads, in more equal and convenient allotments. *Be it therefore enacted* by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for the several boards of commissioners throughout this State, to parcel out the high-roads under their charge, respectively, among such of the inhabitants, and others liable to work on high-roads, in such equal, convenient and just allotments and proportions, as they shall judge proper; and the several persons aforesaid shall be obliged to keep in good order and repair the

Commrs. may parcel out the roads.

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said roads so allotted them, respectively, under the same fines and penalties now imposed on any persons neglecting to work on high-roads, as by law are subject; any law, usage or custom, to the contrary thereof notwithstanding.

General issue
may be plead-
ed.

XIX. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them, or any of them, to be done, by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners and the person or persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom, to the contrary notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

In the Council Chamber, the 28th day of March, 1778.

Assented to :

RAWLINS LOWNDES.

No. 1100. AN ACT FOR ESTABLISHING A FERRY OVER SAVANNAH RIVER, FROM THE TOWN OF PURYSBURGH, IN THIS STATE, TO ABERCORN OR JOSEPH TOWN, IN THE STATE OF GEORGIA, AND FOR VESTING THE SAME IN JOHN VAUCHIER, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOR THE TERM THEREIN MENTIONED.

Preamble. /

WHEREAS, a ferry from the town of Purysburgh, over Savannah river, to Abercorn or Joseph town, in the State of Georgia, hath been found very convenient for travellers, but the same not being established by law, no rates of ferriage have been ascertained.

Ferry from
Purysburgh to
Abercorn.

Vested in J.
Vauchier.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esq., President and Commander-in-chief in and over the State of South Carolina, by the Honorable the Legislative Council and General Assembly of said State, and by the authority of the same, That the ferry from the town of Purysburgh, over Savannah river, to Abercorn or Joseph town, in the State of Georgia, shall be, and is hereby declared to be, an established ferry, and shall be, and is hereby, vested in John Vauchier, his executors, administrators and assigns, for and during the term of seven years from the time of passing this Act, and from thence to the end of the next session of the General Assembly, and no longer.

Conditions.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said John Vauchier, his executors, administrators and assigns, during the said term, to demand, have, receive and take, to his and their own proper use; from all person or persons passing or repassing at the said ferry, the several rates and sums following, in the current money of this State; for every foot passenger, twenty-

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five shillings; for every horse, thirty-two shillings and six pence; for an empty cart, forty shillings; for a loaded cart, three pounds; for an empty wagon, four pounds; for a loaded wagon, six pounds; for a riding chair or chaise, fifty shillings; for a charriot, coach, or other four wheel carriage, not hereinbefore mentioned, six pounds.

III. *And be it further enacted* by the authority aforesaid, That the said John Vauchier, his executors, administrators and assigns, shall be, and they are hereby, obliged and required, constantly to attend and provide and keep in repair two good and sufficient boats, for carrying and transporting over the said river, passengers, horses, carts, waggons, chairs and four wheeled carriages, and also four able men who shall constantly attend the said ferry, at all times of the day and night throughout the year, to transport and carry over all passengers, horses and carriages as aforesaid. And in case any persons shall meet with unreasonable delay, or be retarded in their passing at the said ferry for want of the ferry boat or boats, or the persons who are hereby required to attend the said ferry, the said John Vauchier, his executors, administrators or assigns, shall forfeit and pay, for every such delay, to the party grieved, the sum of five pounds for the first hour, and the further sum of ten pounds for every hour afterwards; which sum or sums shall and may be recovered, on oath made of such delay, by warrant from any justice of the peace, who, on complaint made to him, shall hear and determine the same, according to the powers given him by law for the trial of small and mean causes; so as such complaint be made by the party grieved within ten days after the offence committed.

IV. *And be it further enacted* by the authority aforesaid, That the said John Vauchier, with the four persons attending the ferry as aforesaid, shall be, and are hereby, exempt from all other public services whatsoever.

V. *And be it enacted* by the authority aforesaid, That it shall not be lawful for any person or persons, residing within two miles of the said John Vauchier's ferrying place, in Puryburgh, to ferry and transport any passengers, horses, carts, wagons or other carriages, into the State of Georgia. *Provided, always, nevertheless*, that nothing herein contained shall be construed to prevent residents within the above limits from passing and repassing in their own or neighbours boats to the State of Georgia.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

In the Council Chamber, the 28th day of September, 1778.

Assented to:

RAWLINS LOWNDES.

A. D. 1778.

Acts relating to Roads, Bridges and Ferries.

No. 1105. AN ACT FOR ESTABLISHING 'A ROAD FROM SLANN'S, DORCHESTER, OR BACON'S BRIDGE, TO WORT'S FERRY, AND FROM THENCE TO DIVERS OTHER PLACES, UNTIL IT SHALL INTERSECT THE ROAD LEADING FROM THE FERRY NEAR FORT MOORE TO CHARLESTOWN.

Preamble.

WHEREAS, the inhabitants living in the interior and on the frontier parts of this State, labour under great disadvantages for the want of proper roads through this State. And *whereas*, the Grand Jury of the district of Ninety-Six, have, by their presentment, requested that a law may be passed to remedy the same.

Sundry roads established.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esquire., President and Commander-in-chief in and over the State of South Carolina, by the Honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That George Ford, William Dewitt, Richard Walter, Benjamin Coachman, Jr., and Humphrey Sommers, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road to lead from Slann's, Dorchester, or Bacon's bridge, as the commissioners may think expedient, the best and most direct way to Edisto river, at or near Wort's ferry. That William Mall, Joseph Cogger, Solomon Gray, John Ward, and James Cooper, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road from the south side of Edisto river, opposite the last mentioned road, at or near Wort's ferry, to the plantation of Solomon Gray. That Lewis Box, Patrick Cain, Samuel Padgett, George Pettis, and Richard Blackledge, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road from the plantation of Solomon Gray, aforesaid, to the plantation of Joseph Sykes. That George Robinson, Michael Odom, Henry Peoples, James Fair, and Joseph Turner, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road from the plantation of the said Joseph Sykes, to or near the plantation of Michael Odom, and from thence by the best and shortest way, to or near the plantation of Elijah Meredi Baillie. That Francis Sinkfield, Benjamin Hatcher, Joel McClendall, Arthur Simkins, and Van Sweringham, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road from or near the plantation of Elijah Meredi Baillie, aforesaid, by or near the pine-wood house, and from thence, by or near Charles Williams's old house, to Turkey creek. That John Purvis, Robert Bryan, David Maxwell, William Perin, and Archibald Murray, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road from Turkey creek, aforesaid, by the nearest and best way, to the old wagon road below Ross's Mill, on Long Canes. That Colonel Andrew Williamson, James Harrison, Patrick Gibson, David Hunter, and Samuel Anderson, be, and they are hereby

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appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road, from the old wagon road aforesaid, near the Indian Camp, by the nearest and best way, till the same shall intersect the road leading to Fort Independence, at or near Turkey creek. That Richard Thredway, David Green, David Zubly, Andrew Burney, and Thomas Lamar of Horse creek, be, and they are hereby appointed; commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road, from New Windsor or Fort Moore's Bluff, into the road near the White Ponds, at the head of Tinker's creek. That George Whitefield, William Cannon, John Cowen, Mathew Briand, and John Berksdale, be, and they are hereby, authorized, empowered and required, to lay out, make and keep in repair, a public road, from the settlement above Fort Charlotte across Long Canes, below New Bourdeaux. That Hugh Middleton, William Tudor, Drury Pace, James Davis; and James Carson, be, and they are hereby, authorized, empowered and required, to lay out, make and keep in repair, a public road from Long Canes, down the ridge between Savannah river and Stevens's creek, to Carson's ford. And, that Colonel LeRoy Hammond, John Carter, John Hancock, William Covington, Jr., and Captain John Hammond, be, and they are hereby; authorized, empowered and required, to lay out, make and keep in repair, a public road, from Carson's ford, aforesaid, to Bibbin's bridge, on Horse creek, and from thence, by the nearest and best way, until the same shall intersect the road which leads from the ferry near Fort Moore to Charles town.

II. *And be it further enacted* by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years; living within five miles of each of the roads hereby directed to be laid out and made public, except from Sykes's to Meredi Baillie's, and from Sykes's to Meredi Baillie's, within fifteen miles on each side of the said road, shall be, and they are hereby, obliged to make the said respective roads, and keep the same in repair, according to the laws and usages of this State. *Provided, always, nevertheless,* that nothing in this Act contained shall oblige any person or persons who shall reside on the opposite side of any river to any of the said roads, to work on the same; but all and every such person and persons is and are hereby exempted from working on the same, although he or they may reside within five miles of any of the said roads. *And provided also,* that no person who shall live within five miles of any of the respective roads above directed to be laid out; and also, within five miles of any other public road, shall be obliged to work on both roads; but in all and every such case and cases, the commissioners of the said roads, respectively, shall cause one half the male inhabitants who shall be thus situated and liable to work on the said roads, to work on the road or roads on which they are now liable to labor; and the other half of the said inhabitants to work on such of the road or roads they are respectively obliged to work on and keep in repair by this Act. And in case any of the inhabitants obliged by this Act to work on the said roads, shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures and modes of recovery, as any persons by any Act of the General Assembly for making roads are.

Who to work
on said roads.

III. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners by this Act named shall happen to die, depart

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Vacancies.

this State or refuse to act, then it shall and may be lawful for the other commissioners, or a majority of them, respectively, to choose another person or persons to be commissioner or commissioners, in the room of him or them so dying, departing this State or refusing to act; and the person or persons so chosen, shall be invested with and have the same powers and authorities as the other commissioners hereby nominated and appointed.

Powers of Comm'rs.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners herein named, and others to be appointed by them, respectively, or a majority of them, shall have, use and exercise, all the powers and authorities for putting this Act into execution, which are given to any commissioners of high roads, and be subject to the same penalties as are inflicted on any commissioners of high roads, by any Act of the General Assembly of this State.

Part of Act No. 995 repealed.

V. *And be it enacted* by the authority aforesaid, That so much of an Act, passed the seventh day of April, one thousand seven hundred and seventy, as establishes a wagon road from the Indian Camp to the Long Cane Road below Cuffetown, be, and the same is hereby declared to be, repealed and made null and void, to all intents and purposes whatsoever.

General issue may be pleaded.

VI. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, and other persons so sued or prosecuted, to plead the general issue and give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

HUGH RUTLEDGE, *Speaker of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

In the Council Chamber, the 9th day of October, 1778.

Assented to:

RAWLINS LOWNDES.

No. 1134. AN ORDINANCE FOR ESTABLISHING A FERRY OVER SANTEE RIVER, AT THE PLANTATION OF THE LATE PETER MANIGAULT, ESQUIRE, AND LAYING OUT SEVERAL ROADS FROM THE SAID FERRY; AND ALSO, FOR ESTABLISHING ANOTHER FERRY OVER SANTEE RIVER, AT THE PLANTATION OF JARED NEILSON, ESQUIRE; AND FOR OTHER PURPOSES, THEREIN MENTIONED.

Preamble.

WHEREAS, the inhabitants of Camden district have, by their petition to the General Assembly, set forth the general utility and advantage that would arise to all persons travelling from that district and North Carolina to Charlestown, if a ferry was established at the plantation of the late Peter Manigault, Esquire, deceased, on Santee River, where one was formerly kept, and roads laid out in manner as mentioned in the said

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petition—and have, therefore, prayed that a law might be enacted for those purposes.

I. *Be it therefore ordained* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Ordinance, a public ferry shall be, and is hereby, established over Santee river, from the lands that were the said Peter Manigault's, deceased, where a ferry was formerly kept, on the south side of the said river, to the lands that were the said Peter Manigault's, on the north side thereof; and the said ferry is hereby vested in Gabriel Manigault, Esquire, his executors, administrators and assigns, in trust, for the heirs or devisees of the said Peter Manigault, for and during the term of three years from the passing hereof. And it shall and may be lawful for the said Gabriel Manigault, his executors, administrators and assigns, in trust as aforesaid, to take and receive, for the ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, the rates of ferriage hereinafter mentioned, viz:—
 for a foot passenger or single horse, five shillings; for a man and horse, ten shillings; for a wagon, empty or loaded, and team, and for any other four wheeled carriage, three pounds five shillings; for any two wheeled carriage and horse, thirty-two shillings and six pence; for every head of neat cattle, ferried or swam, five shillings; calves, sheep or hogs, ferried or swam, two shillings and six pence, over the said river, in the current money of this State. And when the freshes are so high that the landing place on the north side of the said river is covered with water, so as that passengers must be transported from high land to high land, on each side of the said river, then it shall and may be lawful for the said Gabriel Manigault, his executors, administrators and assigns, in trust as aforesaid, during the said term, to ask, demand, sue for, recover and receive, from every person passing over the said ferry, the several rates and prices hereinafter mentioned, that is to say:—for a foot passenger or single horse, ten shillings; for a man and horse, twenty shillings; for a wagon, empty or loaded, and team, and for every other four wheeled carriage, six pounds ten shillings; for every two wheeled carriage and horse, three pounds five shillings; for every head of neat cattle, ferried or swam, ten shillings; for every head of calves, sheep or hogs, ferried or swam, five shillings, in the current money of this State.

Ferry over
Santee, at
Manigault's,
vested in G.
Manigault,
trustee.

Conditions.

II. *And be it further ordained* by the authority aforesaid, That the said Gabriel Manigault, his executors, administrators and assigns, within one month from the passing of this Ordinance, shall provide and keep at the said ferry, during the term aforesaid, good and substantial ferry boats, with a sufficient number of servants to attend the same, as well by night as by day, for the transporting of persons, their carriages, servants, horses and cattle, over the said ferry. And if any person or persons coming to the said ferry shall meet with any unreasonable delay thereat, for want of a boat or servants to transport him or them, his or their carriages, servants, horses or cattle, over the said ferry, in every such case, he, the said Gabriel Manigault, his executors, administrators and assigns, shall, to every person so delayed, forfeit, for every hour, the sum of twenty pounds, current money; to be sued for, levied and recovered, in manner as directed by the Act for the trial of small and mean causes. *Provided*, that the said forfeiture be sued for within ten days after the said delays shall happen.

III. *And be it further ordained* by the authority aforesaid, That William Richardson, Jacob Christopher Zahn, and Isham Moore, Esquires,

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Roads thereto.

and Mr. Levi Moore, and Mr. Samuel Bennet, shall be, and they are hereby appointed, commissioners, with full power and authority to lay out a road from the said ferry, on the north side of the river, along Scott's Lake and over Jack's Creek, at Sumter's mills, and from thence to the main road. And that all the male inhabitants, from the age of sixteen to sixty years, living between the river and the road hereby established, shall be, and he and they is and are hereby, obliged to make and keep the same in repair. And all the male inhabitants, as aforesaid, living between the said last mentioned road and Neilson's ferry road, shall work on the road that is nearest to them. And that Colonel William Thomson, Jacob Christopher Zahn, Charles Middleton, John Oliver, and William Flud, shall be, and they are hereby nominated and appointed, commissioners for laying out a road the nearest and best way from the said ferry, on the south side of the said river, to meet the road at the Chapel at Wassamsaw; and that all the male slaves, from the age of sixteen to sixty years, living on the south side of the said river, within ten miles on each side of the said road so to be laid out, shall be, and he and they is and are hereby, obliged to make the same, and work on and repair the said road, whenever and for such time as the said commissioners shall deem it necessary. And if any of the persons liable to work on the said roads, respectively, shall refuse or neglect to do his or their duty, he and they shall be liable to the same fines and penalties as any other persons by any Act or Acts of the General Assembly of this State are subject and made liable to for making and keeping roads in repair.

Neilson's ferry,
over Santee.Vested in J.
Neilson.

Conditions.

IV. And *whereas*, application hath been made to have the ferry, commonly called Neilson's ferry, established by a law, and to have several roads laid out to and from the said ferry, for the greater convenience of persons travelling through that part of the State. *Be it therefore ordained* by the authority aforesaid, That a public ferry shall be, and it is hereby, established over Santee river, at the place commonly called Neilson's Ferry, from the lands of Jared Neilson, Esquire, on the south side, to the lands of the said Jared Neilson, on the north side, of the said river; and the said ferry is hereby vested in the said Jared Neilson, his executors, administrators and assigns, for and during the term of seven years. And it shall and may be lawful for the said Jared Neilson, his executors and administrators, to take and receive, for the ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, the following rates of ferriage, that is to say:—for a foot passenger or single horse, five shillings; for a man and horse, ten shillings; for a wagon, empty or loaded, and team, and every other four wheeled carriage, three pounds five shillings; for every two wheeled carriage and horse, thirty-two shillings and six pence; for every head of neat cattle, ferried or swam, five shillings; calves, sheep or hogs, ferried or swam over the said river, two shillings and six pence, current money of the said State. And when the freshes are so high that the landing place on the north side of the said river is covered with water, so as that passengers must be transported from highland to highland, on each side of the said river, then it shall and may be lawful for the said Jared Neilson, his executors, administrators and assigns, during the said term, to ask, demand, sue for, recover and receive, from every person passing over the said ferry, the several rates and prices following, that is to say:—for a foot passenger or single horse, ten shillings; for a man and horse, twenty shillings; for a wagon, empty or loaded, and team, and for every other four wheeled carriage, six pounds ten shillings; for any two wheeled carriage and horse,

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three pounds five shillings ; for every head of neat cattle, calves, sheep or hogs, ferried or swam, ten shillings, in the current money of this State.

V. *And be it further ordained* by the authority aforesaid, That the said Jared Neilson, his executors, administrators or assigns, shall provide and keep at the said ferry, during the term aforesaid, good and substantial ferry boats, with a sufficient number of servants to attend the same, as well by night as by day, for the transporting of persons, their carriages, servants, horses and cattle, over the said ferry. And if any person or persons coming to the said ferry shall meet with any unreasonable delay thereat, for want of a boat or servants to transport him or them, his or their carriages, servants, horses or cattle, over the said ferry, in every such case, he, the said Jared Neilson, his executors administrators and assigns, shall forfeit, to the person so delayed, for every hour, the sum of twenty pounds, current money ; to be sued for, levied and recovered, in manner as directed by the Act for the trial of small and mean causes. *Provided*, the said forfeiture be sued for within ten days after the said delay shall happen.

VI. *And be it further ordained* by the authority aforesaid, That the said Gabriel Manigault and Jared Neilson, their and each of their executors administrators and assigns, shall, within one month from the passing of this Ordinance, post up, and cause to be constantly kept, in writing, a list of the rates of the said ferries hereby established, respectively, affixed to some public place at each of the said ferries.

VII. *And be it further ordained* by the authority aforesaid, That Henry Richbough, James Richbough, and Robert Carter, shall be, and they are hereby appointed, commissioners with full power and authority to lay out a road from the said ferry, on the north side of the said river, along by Claudius Richbough's, to join the main road leading to Camden, at or near the High Hills of Santee. And that John Gambell, John Neilson, and Jas. Mortimer Harris, shall be, and they are hereby appointed, commissioners with full power and authority to lay out a road from the said ferry, by Capt. Gamble's plantation, through the Fork of Black River, until it intersects the road leading to Lynch's Creek and Peedee river. And that Jared Neilson, William Voshat, and John Oliver, shall be, and they are hereby appointed, commissioners, with full power and authority to lay out a road from the said ferry, on the south side of the said river, to the road leading to Wassamsaw Chapel. And that all the male inhabitants, from the age of sixteen to sixty years, living within six miles on each side of the three several roads last mentioned, hereby directed to be laid out and established, except those persons as aforesaid living between the road leading from Manigault's ferry and the road leading from Neilson's ferry, who shall work as aforesaid, shall be, and he and they are hereby, obliged to make the same, and to work and keep in repair the said roads, respectively, whenever and for such time as the said commissioners shall deem it necessary. And if any person or persons liable to work on the said roads, respectively, shall neglect or refuse to do his or their duty, he and they shall be liable to the same fines and penalties as any other persons by any Act of the General Assembly of this State for making and keeping roads in repair are.

VIII. *And be it further ordained* by the authority aforesaid, That in case any of the commissioners hereby appointed for the several purposes aforesaid, should die, depart the State or refuse to act, the remaining commissioners or commissioner, in the several departments, shall have power, and are hereby authorized, to nominate and appoint another commissioner

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or commissioners, in his or their stead, who shall have the same powers and authorities, severally and respectively, as the commissioners hereby named.

Ratified by the General Assembly, in the Senate House, the 11th day of September, 1779.

CHAS. PINCKNEY, *President of the Senate.*

THOS. FARR, *Speaker of the House of Representatives*

No. 1138. AN ACT FOR RAISING THE RATES OF FERRIAGE HERETOFORE ALLOWED BY LAW TO THE PROPRIETORS OF ASHLEY AND COMBAHEE FERRIES; AND FOR ESTABLISHING SEVERAL OTHER FERRIES THEREIN MENTIONED.

WHEREAS, the rates of ferriage allowed by law to the proprietors of Ashley and Combahee ferries, are, at present, inadequate to the expense and trouble of keeping and attending the same.

Rates of ferriage at Ashley ferry.

1. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful to and for Edward Legge, his executors, administrators and assigns, during the term of one year next ensuing, to demand and receive, and to take to his and their own proper use, from all persons passing or re-passing or making use of Ashley ferry, the several rates of ferriage and sums following, in the current money of this State, that is to say:—for every single person, two shillings and six pence; for every man and horse, five shillings; for every chair, chaise and single horse, or cart and single horse, fifteen shillings; for every four wheeled chair, chaise, coach or chariot, and pair of horses, thirty shillings; for a coach or chariot and four horses, thirty-five shillings; for a coach or chariot, and six horses, forty shillings; for a wagon and two horses, the sum of thirty shillings; for a wagon and four horses, the sum of thirty-five shillings; for a wagon and six horses, the sum of forty shillings; for every head of neat cattle or horses, ferried over the said ferry, the sum of two shillings and six pence; for every head of sheep, goats, hogs or calves, the sum of two shillings and six pence, except all such as are brought over the said ferry in carts or other carriages.

At Combahee ferry.

II. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful to and for John Packrow, his executors, administrators and assigns, during the term of one year next ensuing, to demand and receive, and to take to his and their own proper use, from all persons passing or re-passing or making use of Combahee ferry, the several rates of ferriage and sums following, in the current money of this State, that is to say:—for every single person, five shillings; for every single horse, five shillings; for every chair, chaise or cart, thirty shillings; for every coach, chariot or wagon, three pounds; for every head of neat cattle, ferried or swam, two shillings and six pence; for every head of sheep or calves, ferried or swam over the same, two shillings and six pence.

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III. *And be it further enacted* by the authority aforesaid, That all persons, their servants, carriages and horses, who are exempted from paying any ferriage at the aforesaid ferries, or either of them, by the laws which establish the same, respectively, shall also be exempted from paying any of the rates hereby fixed for passing the said ferries; any thing hereinbefore contained to the contrary notwithstanding. Who exempt.

IV. *And whereas*, the proprietors of several ferries in this State, which are not established by law, have demanded and received of passengers using the same, exorbitant rates or prices of ferriage. In order, therefore, to prevent impositions and abuses, *Be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, public ferries shall be, and are hereby, established over the north-east branch and south-west branch of Stono river, where the bridges crossed the said respective rivers, commonly called Rantowle's and Wallace's. And that the said ferry over the north-east branch, shall be, and is hereby, vested in Charles Elliott, Esquire, his executors, administrators and assigns, for the term of one year. And that the ferry hereby established over the south-west branch, at a place called Wallace's, shall be, and is hereby, vested in Joseph Morrison, his executors, administrators and assigns, for the term of one year. And that it shall and may be lawful to and for the said Charles Elliott, Esquire, and Joseph Morrison, their and each of their respective executors, administrators and assigns, to demand and receive, and to take to his and their own proper use, from all persons passing or re-passing or making use of the said ferries, respectively, the several rates and sums following, in the current money of this State, that is to say:—for every single person, two shillings and six pence; for every single horse, two shillings and six pence; for every chair, chaise or cart, fifteen shillings; for every coach, chariot or wagon, forty shillings; for every head of neat cattle, ferried or swam over the same, two shillings and six pence; for every head of sheep or calves, ferried or swam over the same, two shillings and six pence, except all such as are brought over in carts or other carriages. Ferries over Stono; at Rantowle's and Wallace's.

V. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over Pon Pon River, near Jacksonburgh; and that the said ferry shall be, and is hereby, vested in the proprietors of the land on each side of the said ferry, their respective executors, administrators and assigns, for the term of one year from the passing of this Act. And that it shall and may be lawful to and for the said proprietors, their executors, administrators and assigns, to receive and take, to his and their own proper use, from all persons passing or re-passing or making use of the said ferry, the several rates of ferriage and sums following, in the current money of this State, that is to say:—for every single person, two shillings and six pence; for man and horse, five shillings; for every chair, chaise or cart, fifteen shillings; for every coach, chariot or wagon, forty shillings; for every head of neat cattle, ferried or swam over the same, two shillings and six pence; for every head of sheep or calves, ferried or swam over the same, two shillings and six pence, except all such as are brought over in carts or other carriages. Ferry over Pon Pon, at Jacksonborough.

VI. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over Pon Pon River, at a place commonly called Ferguson's Ferry; and that the said ferry shall be, and is hereby, vested in Thomas Ferguson, Esquire, his heirs, executors, administrators and assigns, Ferry over Pon Pon, at Ferguson's.

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for the term of one year from the passing of this Act. And that it shall and may be lawful to and for the said Thomas Ferguson, Esquire, his heirs, executors, administrators and assigns, to receive and take, to his and their own proper use, from all persons passing or re-passing or making use of the said ferry, the several rates of ferriage and sums following, in the current money of this State, that is to say :—for every single person, two shillings and six pence ; for every man and horse, five shillings ; for every chair, chaise or cart, fifteen shillings ; for every coach, chariot or wagon, forty shillings ; for every head of neat cattle, ferried or swam over the same, two shillings and six pence ; for every head of sheep or calves, ferried or swam over the same, two shillings and six pence, except all such as are brought over in carts or other carriages.

Ferry over
Ashepoo, at the
old bridge.

VII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over Ashepoo river, where Ashepoo bridge stood ; and that the said ferry shall be, and is hereby, vested in Edmund Bellinger, Jr., (in trust for the estate of Benjamin Webb, deceased,) and Ann Bolton, their and each of their heirs, executors, administrators and assigns, for the term of one year from the passing of this Act. And that it shall and may be lawful to and for the said Edmund Bellinger, Jr., and Ann Bolton, his and her heirs, executors, administrators and assigns, to demand and receive, and to take to his and her own proper use, from all persons passing or repassing or making use of the said ferry, the several rates and sums following, in the current money of this State, that is to say ;—for every single person, two shillings and six pence ; for every man and horse, five shillings ; for every chair, chaise or cart, fifteen shillings ; for every coach, chariot or wagon, forty shillings ; for every head of neat cattle, ferried or swam over the same, two shillings and six pence ; for every head of sheep or calves, ferried or swam over the same, two shillings and six pence, except all such as are brought over in carts or other carriages.

Ferry over
Saltcatcher, at
the old bridge.

VIII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over the Saltcatcher river, at the place where the bridge stood ; and that the said ferry shall be, and is hereby, vested in the proprietor of the land on the east side of the said ferry, his heirs, executors, administrators and assigns, for the term of one year from the passing of this Act. And that it shall and may be lawful to and for the said proprietor, his heirs, executors, administrators and assigns, to demand and receive, and take to his and their own proper use, from all persons passing or repassing or making use of the said ferry, the several rates of ferriage and sums following, in the current money of this State, that is to say :—for every single person, two shillings and six pence ; for every single horse, two shillings and six pence ; for every man and horse, five shillings ; for every chair, chaise or cart, fifteen shillings ; for coach, chariot or wagon, forty shillings ; for every head of neat cattle, ferried or swam over the same, two shillings and six pence ; for every head of sheep or calves, ferried or swam over the same, two shillings and six pence.

Duty of owners
of said ferries.

IX. *And be it further enacted* by the authority aforesaid, That the several persons, their heirs, executors, administrators and assigns, in whom the ferries hereby established are respectively vested, shall be, and they are hereby, obliged and required, at their respective ferries, during the time for which they are established, constantly to attend, and provide and keep in repair, good and sufficient boats, for carrying and transporting over their said ferries, passengers, horses, carts, wagons, chairs and four

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wheeled carriages, and also a sufficient number of able bodied-men, who shall constantly attend the said several ferries; as well by night as by day, throughout the year, to transport and carry over all passengers, horses and carriages as aforesaid. And in case any persons shall meet with unreasonable delay, or be retarded in their passing at any of the said ferries, for want of the ferry boat or boats, or the persons who are required to attend the same, the person or persons in whom the ferry at which any person shall meet with such delay, shall at that time be vested; shall forfeit and pay, for every such delay, to the party grieved, the sum of ten pounds for the first hour, and the further sum of twenty pounds for every hour afterwards; which sum and sums shall and may be recovered, on oath made of such delay, by warrant from any justice of the peace, who, on complaint made to him, shall hear and determine the same, according to the powers given him by law for the trial of small and mean causes; so as such complaint be made by the party grieved within ten days after the offence committed.

X. *And be it further enacted* by the authority aforesaid, That the Governor and Commander in-chief of this State, for the time being, the Lieutenant Governor, for the time being, all ministers of the gospel, all persons on Sundays going to or returning from any place of divine worship, all persons going to or returning from muster at any time appointed for the muster of the militia, all persons going to or returning from the election of members of Assembly, or in time of alarm, all troops in the Continental service, all expresses and messengers sent in the service of this State, and all free Indians, shall be, and they are hereby, exempted from paying any ferriage at any of the ferries hereby established; for themselves, their servants, carriages or horses; any thing herein contained to the contrary notwithstanding. Who may pass the ferries free.

XI. *And be it further enacted* by the authority aforesaid, That the several persons in whom the said respective ferries are hereby vested, or shall become vested, and all other persons in whom other ferries are vested, or shall become vested in this State, shall paste up and continue at the said ferries respectively, in writing, within one month after the passing of this Act, a list of the rates to be received at the said respective ferries hereby established, and of all other ferries in this State. Rates of ferriage to be posted up.

Ratified by the General Assembly, in the Senate House, the 11th day of September, 1779.

CHARLES PINCKNEY, *President of the Senate.*

THOMAS FARR, *Speaker of the House of Representatives.*

A. D. 1783.

Acts relating to Roads, Bridges and Ferries.

No. 1164. AN ACT TO REGULATE THE ELECTION AND APPOINTMENT OF COMMISSIONERS OF THE HIGH-ROADS, IN THE SEVERAL PARISHES AND DISTRICTS OF THIS STATE; AND ALSO TO REGULATE THE RATES OF FERRIAGE AT SUCH FERRIES WHICH ARE NOT ESTABLISHED BY LAW.

Preamble. WHEREAS, from the situation of the State for several years past, the public roads and bridges throughout the same are in a great measure destroyed or rendered dangerous to travellers, and it is necessary some immediate steps should be taken to repair the same :

Comm'rs of roads. I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, and by the authority of the same, That all commissioners of the several high-roads and bridges, who were in commission on the twelfth day of May, one thousand seven hundred and eighty, (except where vacancies have been filled up, or new ones already appointed by his Excellency the Governor,) and who are now residents in their respective parishes or districts, shall continue to act as such until Easter Monday next, when a new election will take place; and where there are not a sufficient number to make a board, the surviving commissioners or commissioner, if only one, shall, until Easter Monday next, have and exercise all the powers and authorities, and be subject to all the pains and penalties, which by any former Act or Acts were vested in a majority of such commissioners, or to which they or either of them were liable.

How to be elected, &c. II. *And be it further enacted* by the authority aforesaid, That on the said Easter Monday, and on every Easter Monday following, during the continuance of this Act, the freeholders in each parish and district in this State, shall elect the same number of persons, freeholders in such parish and district, respectively, as were heretofore allowed by law, to serve as commissioners of the high-roads and bridges within their respective parishes and districts, for the year ensuing. And the said commissioners so to be elected or appointed, are hereby, respectively, invested with all the powers and authorities which by any former Act or Acts are vested in any board of commissioners of high-roads in this State; and the said commissioners so to be elected or appointed, are hereby declared to be, in the place and stead and to possess all the powers and authorities of their respective predecessors, and shall be subject to all the pains and penalties their said predecessors were subject to. And in case any person shall be elected or appointed to serve as one of the aforesaid commissioners, in the manner hereinbefore directed, and shall neglect or refuse to act as such, he shall forfeit and pay into the public treasury of this State, the sum of ten pounds sterling; *provided*, that no person shall be liable to the payment of the said fine more than once in three years.

Rates of ferriage regulated. III. *And whereas*, many of the keepers of ferries in this State have lately exacted exorbitant rates of ferriage from persons passing and re-passing over the said ferries. *Be it also enacted* by the authority aforesaid, That where such ferries are legally established, and the keepers thereof demand and take higher rates of ferriage than are allowed by law, every keeper of a ferry so offending, shall, for every such offence, forfeit and pay the sum of fifty shillings, sterling; to be recovered before any justice of the peace for the district where such offence is committed, in like manner as recoveries are had in causes small and mean. And where ferries are not legally established, or where the term for which they were by law established is expired, the said commissioners are required, and they are

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heroby fully authorized and impowered, to fix and establish the rates of ferriage which shall be demanded and received thereat. And if the keepers thereof shall demand and receive higher rates of ferriage than the said commissioners shall so fix and establish, every such keeper of a ferry so offending, shall be liable to the same penalties as the keepers of ferries legally established are, for demanding and taking higher rates of ferriage than the law allows. And every such person keeping any such ferry, shall be liable to all the pains and penalties inflicted for detaining passengers or travellers applying for passage over the same, in like manner as if the law by which such ferry was established had not been expired, or as if the ferry had been particularly established by law; which penalties shall be recovered before any justice of the peace in the district where the ferry shall be kept, in like manner as recoveries are had in causes small and mean.

In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

AN ACT FOR ESTABLISHING THE FERRY THEREIN MENTIONED.

No. 1767.

WHEREAS, it is necessary that the ferry hereinafter mentioned be established:

I. Be it therefore enacted, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established at the upper end of Green's Island, on Savannah river; and that the said ferry shall be, and is hereby, vested in John Green, the present proprietor of the lands on both sides the river, in the vicinity of the said Island, his executors, administrators and assigns, for and during the term of fourteen years; and that it shall and may be lawful for the said John Green, and his executors, administrators and assigns, to take and receive, for the ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, the following rates of ferriage, and no other, that is to say:—for a foot passenger, three pence, sterling; for a man and horse, six pence, sterling; for a loaded wagon, four shillings and eight pence, sterling; for a wagon and team, four shillings and eight pence, sterling; for any two wheeled carriage and horses, two shillings, sterling; for every head of neat cattle, horses, calves, sheep or hogs, ferried or swam over the said ferry, two pence, sterling. And also, that the said John Green, and his executors, administrators and assigns, shall constantly, during the said term of fourteen years, keep and maintain one good and sufficient ferry boat or boats, and other necessities for the transporting passengers, their servants, carriages, horses and cattle, over the said ferry, as well by night as by day.

Ferry established at
Green's Island.

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Road thereto.

And also, that a road shall be laid out and established from the said ferry, on this side of Savannah river, through Savannah swamp, to the river road leading from Savannah to Augusta.

II. *And be it further enacted* by the authority aforesaid, That Absalom Best, John Green and Michael Swaycord, be, and they are hereby, declared commissioners, to lay out and keep the said road in repair; and that all the male inhabitants and slaves, from sixteen to sixty years, living within six miles of the said road, shall be, and are hereby declared to be, obliged to work on the said road, for the laying out and repairing the same, whenever the commissioners hereby appointed shall judge necessary.

Vacancies.

III. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners in and by this Act named, shall happen to die, depart the State, or refuse to act, then it shall and may be lawful for the other of such commissioners, or a majority of them, to nominate and appoint another person or persons to be commissioner or commissioners for such road, in the room of him or them so dying, departing the State, or refusing to act; and the person and persons so chosen, shall be invested with the same powers and authorities as the other commissioners have, hereby appointed.

Powers of Comm'rs.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners herein named, and others to be appointed by them, respectively, or a majority of them, shall have all the power and authority, by warrant under hand and seal, to levy and cause to be paid, any of the fines incurred by any former Act or Acts for establishing ferries, laying out roads, and to exercise all and as full powers and authorities for carrying this Act, or any part thereof respecting such commissioners, into execution, as are vested in any other commissioners of high-roads by any law of this State.

General issue may be pleaded.

V. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them or any of them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful for the said commissioners, and the person or persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom, to the contrary thereof notwithstanding.

In the Senate House, the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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A. D. 1783.

AN ACT FOR ESTABLISHING SEVERAL FERRIES THEREIN MENTIONED. No. 1181.

WHEREAS, it is thought necessary and proper that several ferries should be established :

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established at the late Peter Manigault's plantation, on Santee river ; and the said ferry shall be, and is hereby, vested in Gabriel Manigault, in trust, for the heirs and assigns of the said Peter Manigault, deceased, for and during the term of fourteen years ; and it shall and may be lawful to have, demand and receive, for the ferrying over persons, their servants, carriages, horses, cattle, hogs and sheep, at the said ferry, the following rates, and no other :—for a foot passenger or single horse, three pence ; for a man and horse, six pence ; a wagon, empty or loaded, and team, and for any other four wheeled carriage, three shillings and six pence ; any two wheeled carriage and one horse, one shilling and six pence ; an ox-cart and team, three shillings ; every head of neat cattle, ferried or swam, two pence ; every head of calves, sheep or hogs, ferried or swam, one penny. And when the freshets are so high that the landing place on the north side of the said river is covered with water, so as that passengers must be transported from high land to high land, on each side of the said river, the rates shall be doubled. And also, the said Gabriel Manigault, in trust for and in behalf of the heirs of the aforesaid Peter Manigault, deceased, shall constantly, during the said term of fourteen years, keep and maintain at the said ferry, a sufficient number of good boats, and other necessaries for the purpose of transporting of passengers, their servants, carriages, horses and cattle, over the said river, as well by night as by day.

II. *And be it further enacted* by the authority aforesaid, That Colonel William Thompson, Charles Middleton, Robert Hales, Phillip Frierson, William Gickles, Thomas Middleton, John Deas and James Stevenson, be, and are hereby appointed, commissioners to work on and keep in repair, the road on the south side of said river, leading from the said ferry, to meet the road at the Chappel at Wassamsaw, and from thence to Goose Creek ; and that William Richardson, Isham Moore, Levi Moore, Colonel John James, William McConnico and Edward Richardson, be, and they are hereby appointed, commissioners to repair and to keep in repair, the roads from the north side of the said ferry along Scott's lake, and over Jack's creek, at Sumter's mill, and from thence to the main road. And that all the male inhabitants and slaves, from the age of sixteen to fifty years, living within seven miles of the said roads, shall be, and they are hereby declared to be, obliged to work on the said road, for putting and keeping the same in repair, whenever the commissioners hereby nominated shall judge necessary.

III. *And be it further enacted* by the authority aforesaid, That a public ferry, from a lot of land in Kingstown, belonging to John Baxter, to his tract of land on the opposite side of the river ; and also, another ferry from said town of Kingstown across the lake to the opposite shore, shall be, and are hereby declared to be, established ferries, and vested in the said John Baxter, his executors, administrators and assigns, for the term of fourteen years from the passing of this Act. And it shall and may be lawful to and for the said John Baxter, his executors, administrators and

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assigns, during the said term, to demand, have and receive, and take to his and their own proper use, from all manner of person and persons passing and re-passing at the said ferries, (except ministers of the gospel, and all other persons going to and from divine service, and to and from musters of the militia, and all public expresses,) the several rates and sums following, that is to say :—for a single passenger, two pence, sterling ; man and horse, four pence ; chair and horse, or cart and team, two shillings and four pence ; wagon and team, four shillings and eight pence ; cattle and hogs, ferried or swam, one penny and half ; sheep ferried, one penny and half ; man and horse, from river landing to lake landing, six pence.

Ferry at
Simmons's.

IV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established at a place called Simmons's upper ferry ; and the said ferry shall be, and is hereby, vested in Colonel Fowler Brisbane, and the heirs of Wood Furman, their executors, administrators and assigns, for and during the term of fourteen years ; and it shall and may be lawful to have, demand and receive, for the ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, the following rates, and no other, viz :—for a foot passenger, two pence, sterling ; man and horse, four pence ; wagon and team, three shillings ; two wheeled carriage, one shilling and six pence ; cattle, horses, hogs or sheep, ferried or swam, one penny.

Powers of
Comm'rs.

V. *And be it further enacted* by the authority aforesaid, That the commissioners herein named shall have all the power and authority, by warrant under their hands and seal, to levy, and cause to be paid, any of the fines incurred by any former Act or Acts for establishing ferries, laying out or repairing roads ; and to exercise all and as full power and authority for carrying this Act into execution, as are vested in any other commissioners for high-roads by any law of this State.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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A. D. 1784.

AN ACT TO ALTER AND AMEND AN ACT OF THE GENERAL ASSEMBLY, No. 1200.

PASSED THE EIGHTEENTH DAY OF MAY, ONE THOUSAND SEVEN HUNDRED AND FIFTY-FOUR, ENTITLED "AN ACT FOR BUILDING A DRAW BRIDGE ACROSS ASHLEY RIVER, IN THE PARISH OF SAINT ANDREW, FROM SOME PLACE AT OR NEAR STONY POINT, ON THE EAST SIDE, TO THE MARSH OPPOSITE TO THE SAID POINT ON THE WEST SIDE OF THE SAID RIVER; AND FOR MAKING A CAUSEY UPON THE SAID MARSH LEADING TO THE SAID BRIDGE; AND FOR MAKING A ROAD TO THE SAID BRIDGE AND CAUSEY; AND FOR VESTING THE SAID BRIDGE, WHEN BUILT, IN SUCH PERSON AND PERSONS, HIS AND THEIR HEIRS AND ASSIGNS FOR EVER, AS SHALL BE AT THE EXPENSE OF BUILDING THE SAID BRIDGE, AND MAKING THE SAID CAUSEY, AND KEEPING THE SAME AT ALL TIMES HEREAFTER IN REPAIR."

WHEREAS, the commissioners appointed by the before recited Act are all dead, or have departed the State, and it is necessary to appoint others in their room to carry the said Act into effect.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the Commissioners same, That the Honorable John Lloyd, John Rutledge, Richard Hutson, appointed. Thomas Farr, Thomas Fuller, Benjamin Elliott, James Ladson, Charles Drayton, and John Mathews, Esq's., the Honorable William Scott, and Mr. Edmund Bellinger, or any five or more of them, shall be, and they are hereby nominated and appointed, commissioners for carrying the above recited Act, and all and singular the matter and things therein contained, into effect, except such parts of the same as are hereinafter altered or amended, with all the powers and authorities which the former commissioners were invested with by the said Act.

II. *And be it further enacted* by the authority aforesaid, That the causey leading to the said bridge, shall be twenty feet wide at the top or surface, Dimensions of and two feet higher than high-water mark at spring tides, and have a mar- causey. gend of at least twenty feet on each side thereof.

III. *And be it further enacted* by the authority aforesaid, That until the said bridge and causey is built and finished for passengers and travellers to pass over, the said commissioners hereby appointed, or any five or more of them, be, and they are hereby, authorized and empowered to dispose of the ferry, lately occupied by Edward Legge, to such person or persons, and in such way and manner, as they, or a majority of them, shall think proper. *Provided*, that no higher or greater rates shall be demanded or taken at the said ferry, than are established by the first law which vested the said ferry in Edward Legge. Legge's Ferry disposed of.

IV. *And be it further enacted* by the authority aforesaid, That from and immediately after the said bridge and causey shall be erected and finished, it shall not be lawful for any person or persons whatever, to erect any other bridge, or keep any ferry across the said river, within six miles of the place where the said bridge shall be built.

In the Senate House, the tenth day of March, one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives*

A. D. 1784.

Acts relating to Roads, Bridges and Ferries.

No. 1204. AN ORDINANCE FOR LAYING OUT A ROAD FROM THE PUBLIC ROAD TO NEW RIVER BRIDGE, GRANVILLE COUNTY, TO MAY RIVER HEAD.

Preamble. WHEREAS, it has been represented, by the petition of sundry inhabitants of the upper part of Saint Helena Parish, Granville County, that it would be both of public and private utility, if a road was laid out from the public road now leading from Mr. John Bull's to New River Bridge, and to go the most convenient and proper way to May River Head, and then to proceed round May River Neck, otherwise called Anson's Neck.

Road to May
river Head.

I. *Be it therefore ordained*, by the Honorable the Senate and House of Representatives, and by the authority of the same, That David Mongin, William Mongin, and John Screven, be, and they are hereby appointed, commissioners for laying out and keeping in repair, the road mentioned as aforesaid. And the said commissioners, or a majority of them, shall have full power and authority to call upon all the inhabitants or proprietors of land benefited by the said road, to send all their male slaves, from the age of sixteen to sixty years, to work upon and keep the said road in repair, not exceeding six days in the year. And in case the owner of any slave, benefited by the road aforesaid, shall refuse or neglect to send them to work, at the time required by the said commissioners, or a majority of them, every such owner shall forfeit and pay, for every such neglect or refusal, a sum not exceeding three shillings per day, for every slave he, she or they shall so neglect or refuse to send; to be recoverable by warrant, under the hands and seals of the said commissioners, or a majority of them; and to be applied toward making and keeping the said road in repair.

II. *And be it further ordained* by the authority aforesaid, That if any person or persons shall hinder or oppose the commissioners aforesaid, in the execution of this Ordinance, he or they shall, for every such offence, forfeit and pay the sum of twenty pounds, sterling; to be recovered by action of debt, in any court of record in this State.

III. *And be it further ordained* by the authority aforesaid, That if any of the said commissioners shall die or depart the State, or shall refuse or neglect to act, it shall and may be lawful for the remainder of the commissioners to elect one or more commissioner or commissioners, in his or their room; or in default of such election, for the Governor and Commander-in-chief for the time being, to appoint. And the person or persons so elected or appointed, shall be vested with the same powers and authorities, in as full and ample a manner, to all intents and purposes, as the commissioners hereby appointed.

IV. *And be it further ordained* by the authority aforesaid, That if any person or persons shall be sued for any thing done in pursuance of this Ordinance, such person or persons may plead the general issue and give this Ordinance and the special matter in evidence. And in case the plaintiff shall suffer a discontinuance, or judgment shall pass against him or them, the defendant shall be allowed his treble costs of suit.

In the Senate House, the tenth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

Acts relating to Roads, Bridges and Ferries.

A. D. 1784.

AN ACT TO ESTABLISH A FERRY OVER SAVANNAH RIVER, OPPOSITE AUGUSTA, IN GEORGIA. No. 1220.

WHEREAS, a ferry has been heretofore established at the place opposite to the ferry at Augusta, in Georgia, and had been vested in Thomas Adams, and his assigns, for seven years, which are now expired; and *whereas*, it is necessary a ferry should be continued at the said place.

Preamble.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established at the place opposite to the ferry at Augusta, in Georgia, on lands now belonging to James Mayson, to land on the opposite shore of the said river, in the said State of Georgia; and that the said ferry shall be, and is hereby, vested in James Mayson, his executors, administrators and assigns, for and during the term of fourteen years.

Ferry at Augusta.
Vested in J. Mayson.

II. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful for the said James Mayson, his executors, administrators and assigns, to take and receive, for the ferrying over persons, their servants, carriages, horses and cattle, at the said ferry, the following rates and prices, and no other, that is to say:—for a foot passenger, three pence, sterling; for a horse, three pence, sterling; for a chair or cart, nine pence, sterling; for a loaded chair or cart, one shilling, sterling; for a wagon, or other four wheeled carriage, two shillings and six pence, sterling; for a loaded wagon or other four wheeled carriage, three shillings and six pence, sterling; for every head of black cattle, ferried or swam, two pence, sterling; for every horse, swam, two pence, sterling; for every head of sheep or hogs, ferried over and swam, three half pence, sterling.

Conditions.

III. *And be it further enacted* by the authority aforesaid, That James Mayson, his executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry boat, with one or more able-bodied men to attend the said ferry, as well by night as by day, for transporting passengers, their servants, carriages, horses and cattle.

IV. *And be it further enacted* by the authority aforesaid, That if any persons coming to the said ferry to pass the same, shall meet with any unreasonable delay or be unnecessarily retarded in passing the said ferry, the said James Mayson, his executors, administrators and assigns, shall forfeit and pay, to the person so delayed, thirty shillings, sterling; and in case such delay shall exceed one hour, fifteen shillings for every hour afterwards; to be recovered before the nearest justice of the peace in that district, if sued for in ten days after the offence is committed.

V. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry or ferry boat within three miles of the ferry hereby established on Savannah river, during the said term that the said ferry is vested in the aforesaid James Mayson, his heirs, executors, administrators and assigns.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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No. 1231. AN ACT TO ESTABLISH A ROAD FROM SLANN'S, DORCHESTER, OR BACON'S BRIDGE, TO WORT'S FERRY, AND FROM THENCE TO DIVERS OTHER PLACES, UNTIL IT SHALL INTERSECT THE ROAD LEADING FROM HIT'S FORD, THE NEAREST AND BEST WAY TO JOHN CARTER'S NEW ROAD LEADING TO THE WHITE PONDS.

Preamble.

WHEREAS, an Act entitled "An Act for establishing a road from Slann's, Dorchester, or Bacon's Bridge, to Wort's Ferry, and from thence to divers other places, until it shall intersect the road from the ferry near Fort Moore to Charlestown," passed the ninth day of October, seventeen hundred and seventy-eight, has not been hitherto carried into effect, for want of proper commissioners, many of those named therein having died, refused to act or departed the State.

Road to be
made from
Slann's bridge
to Wort's
ferry, &c.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the following persons herein named, be, and they are hereby appointed, commissioners for laying out and keeping in repair the several parts or districts of the said road, respectively, that is to say:—Elijah Ford, William Dewit, Richard Walters, Thomas Waring, jr., and Humphrey Sommers, for the road from Slann's Bridge, Dorchester, or Bacon's Bridge, to Wort's Ferry. Peter Youngblood, William Mell, Joseph Cogger, and John Warden, for the road from Wort's Ferry to the plantation of Solomon Gray. Lewis Box — Workman, Samuel Padgell, and Richard Blackledge, for the road from Solomon Gray's to the plantation of Joseph Sykes. Ephraim Puchett, Daniel Odam, William Griffin, James Fair, and Joseph Turner, for the road from Joseph Sykes's to the plantation of Michael Odam, and from thence to Elijah Merida Baillie's. John Ryan, Van Swearingen, Sen., Joel McClendon, Arthur Simkins, and Van Swearingen, jr., for the road from the plantation of the said Elijah Merida Baillie to Charles Williamson's old place, on Turkey Creek. John Purvis, Henry Kee, Benjamin Tutt, Richard Tutt, and James Patterson, for the said road from Turkey Creek, by the nearest and best way, to the Old Wagon Road below Ross's Mill, on Long Canes. Joseph Dawson, James Harrison, Patrick Gibson, Timothy Russell, and Robert Anderson, Sen., for the road from the Old Wagon Road near the Indian Camps, by the nearest and best way, till the same shall intersect the road leading to Fort Independence, at or near Turkey Creek. Richard Threadaway, James Gray, David Tubly, Captain Shaw, and Thomas Lamar, of Horse Creek, for the road from New Windsor or Fort Moore's Bluff, to the road near the White Ponds, and the road from Ninety-Six to Turkey Creek. John Moore, John Bulloch, Samuel Goode, and Henry Kee, from thence to Sweet Water Creek. John Martin, James Coursey, Aquila Miles, Absalom Roberts, and Thomas Beckham, jr., from Sweet Water Creek to Snow Hill, and from thence to Adams's ferry, opposite to Augusta. LeRoy Hammond, John Hancock, and William Covington, jr., George Whitefield, Samuel Taylor, John Cowen, Peter Gibert, and John Barksdale, for the road from the Settlement above Fort Charlotte, across Long Canes, below New Bordeaux. Hugh Middleton, Edward Rusey, Drury Pace, Edward Prince, and Henry Ware, for the road from Long Canes down the ridge between Savannah river and Stephens's Creek, to Hit's Ford. Colonel LeRoy Hammond, John Carter, John Hancock, William Coventon, and Thomas Key, for the road from Hit's

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Ford, the nearest and best way to John Carter's new leading road to the White Ponds.

II. *And be it further enacted* by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years, living within five miles of each side of the roads hereby directed to be laid out and made on it. ^{Who to work public, except from Sykes's to Elijah Merida Baille's, and from Sykes's to Elijah Merida Baillie's, within fifteen miles on each side of the said road, shall be, and they are hereby, obliged to make the said respective roads, and keep the same according to the laws and usage of this State. *Provided, always, nevertheless,* that nothing in this Act contained shall oblige any person or persons who shall reside on the opposite side of any river to any of the said roads, to work on the same; but all and every such person and persons is and are hereby exempted from working on the same, although he or they may reside within five miles of any of the said roads. And *provided also,* that no person who shall live within five miles of any of the respective roads above directed to be laid out, and also, within five miles of any other public road, shall be obliged to work on both roads; but in all and every such case and cases, the commissioners of the said roads, respectively, shall cause one half of the male inhabitants who shall be thus situated and liable to work on the said road, to work on the road or roads on which they are now liable to labor; and the other half of the said inhabitants to work on such of the road or roads they are respectively obliged to work on and keep in repair by this Act. And in case any of the inhabitants obliged by this Act to work on the said roads, shall neglect or refuse to do the same, they, and every of them, shall be liable to pay a fine of three shillings, for every day's neglect or refusal; to be recovered in the same manner as any persons by any Act of the General Assembly for making roads are.}

III. *And be it futher enacted* by the authority aforesaid, That in case any of the commissioners by this Act named, shall happen to die, depart this State or refuse to act, then it shall and may be lawful for the other commissioners, or a majority of them, respectively, to choose another person or persons to be commissioner or commissioners, in the room of him or them so dying, departing this State or refusing to act; and the person or persons so chosen, shall be invested with and have the same powers and authorities as the other commissioners hereby nominated and appointed. ^{Vacancies:}

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners herein appointed for the road from Slann's old bridge to Wort's ferry, be, and they are hereby, authorized and required to contract for the erecting, building and keeping in repair, a bridge where the said old bridge stood, with any person or persons willing to undertake the same upon a toll of ten years. And it shall and may be lawful to and for any person or persons who shall undertake and contract with the said commissioners for building the same, and his or their heirs and assigns, during the said term, to demand, receive and take, to his and their own proper use, from all manner of person and persons passing the said bridge, the several rates and sums following, that is to say:—for a single passenger, one penny; man and horse, two pence; chair and horse, or cart and horse, eight pence; wagon and team, or four wheeled carriage and four horses, one shilling and six pence; cattle, horses and mules, each, one penny; hog-heads, tierces and barrels, rolled over or carried on trucks, each, two pence; hogs and sheep, each, one half penny. ^{Bridge at Slann's to be re-built.}

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*Acts relating to Roads, Bridges and Ferries.*Powers of
Comm'rs.

V. *And be it further enacted* by the authority aforesaid, That the commissioners herein named, and others to be appointed by them respectively; or a majority of them, shall have, use and exercise, all the powers and authorities for putting this Act into execution, which are given to any commissioners of high roads, and be subject to the same penalties as are inflicted on any commissioners of high roads, by any Act of the General Assembly of this State.

Former Acts
repealed.

VI. *And be it enacted* by the authority aforesaid, That so much of an Act, passed the seventh day of April, one thousand seven hundred and seventy; as establishes a wagon road from the Indian Camp to the Long Cane Road below Cuffeetown, and also, an Act entitled "An Act for establishing a road from Slann's, Dorchester, or Bacon's, Bridge, to Wort's Ferry, and from thence to divers other places, until it shall intersect the road leading from the ferry near Fort Moore to Charlestown," passed the ninth day of October, one thousand seven hundred and seventy-eight, be, and the same are hereby declared to be, repealed and made null and void, to all intents and purposes whatsoever.

VII. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, and other persons so sued or prosecuted, to plead the general issue and give this Law and the special matter in evidence.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1232. AN ACT FOR ESTABLISHING THE PUBLIC FERRIES HEREINAFTER MENTIONED.

Ferry over
Savannah, at
Barkesdale's.

I. *Be it enacted*, by the Honourable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, that from and immediately after the passing of this Act, a public ferry shall be, and hereby is, established at the plantation of John Barkesdale, on Savannah river, below Fort Charlotte; and that the said ferry shall be, and hereby is, vested in the said John Barkesdale, his executors, administrators and assigns, for and during the term of fourteen years. And that from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established at the plantation of John Sharp, on Savannah river aforesaid, above Fort Charlotte; and that the said ferry shall be, and is hereby, vested in the said John Sharp, his executors, administrators and assigns, for and during the term of fourteen

At Sharp's

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years. And that it shall and may be lawful for the said John Barksdale and John Sharp, respectively, and their respective executors, administrators and assigns, to take and receive, for ferrying over all persons, their carriages, servants, horses and cattle, at their said respective ferries, the following rates of ferriage, and no other, that is to say ; for a foot passenger, three pence ; for a man and horse, six pence ; for a loaded wagon, three shillings and six pence ; for a wagon and team, two shillings and six pence ; for any two wheeled carriage and horses, twelve pence ; for every head of neat cattle, horses, calves, sheep or hogs, ferried or swam over either said ferries, two pence. And also that the said John Barksdale and John Sharp, respectively, and their respective executors, administrators and assigns, shall constantly, during the said term of fourteen years, keep and maintain, at their respective ferries, good and sufficient ferry boats and other necessities for transporting passengers, their servants, carriages, horses and cattle, over the said ferries, as well by night as by day.

II. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out and established from the ferry and plantation of the said John Barksdale to Ninety-Six ; and that the said John Barksdale, James Patterson, Timothy Russell, and Andrew Ross, be, and they are hereby declared, commissioners to lay out and keep the said road in repair ; and that all male inhabitants and slaves, from sixteen to fifty years, living within five miles of the said road, shall be, and are hereby declared to be, obliged to work on said road, for laying out and repairing the same, whenever the commissioners hereby appointed shall judge it necessary.

III. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established on Saluda river, at a place called Weaver's ferry ; and that the said ferry shall be, and is hereby, vested in Joseph Kennerly, in trust for the heirs of Jacob Geiger, deceased, for and during the term of fourteen years ; and that it shall and may be lawful for the said Joseph Kennerly to take and receive, for the ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, the following rates, and no other, that is to say :—for a foot passenger, two pence ; for a man and horse, four pence ; for a loaded wagon, eighteen pence ; for a wagon and team, twelve pence ; for each rolling hogshead, twelve pence ; for any two wheeled carriage and horse, twelve pence ; for every head of neat cattle, horses, calves, sheep or hogs, ferried or swam over the said ferry, two pence. And also, that the said Joseph Kennerly, in trust as aforesaid, shall constantly, during the said term of fourteen years, keep and maintain one good and sufficient ferry boat or boats, and other necessities for the transporting passengers, their servants, carriages, horses and cattle, over the said ferry, as well by night as by day.

IV. *And be it further enacted* by the authority aforesaid, That John Kennerly, Thomas Rammy, and Jacob Boughter, for the north side, and Jonas Beard and George Gartman, for the south side, be, and they are hereby declared, commissioners to keep in repair the road on both sides said river, leading to and from said ferry ; and that all male inhabitants and slaves, from sixteen to fifty, living within six miles of said road, and within twelve miles of said ferry, on either side said river, shall be, and are hereby declared to be, obliged to work on the said road, in keeping the same in repair, whenever the commissioners hereby appointed shall judge it necessary.

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*Acts relating to Roads, Bridges and Ferries.*Ferry over
Peedee, at
Cheraw.

V. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and hereby is, established on Peedee river, at the Cheraw Hill; and that the said ferry shall be, and hereby is, vested in Thomas Lyde, the present proprietor of lands on both sides the river, his executors, administrators and assigns, for and during the term of fourteen years; and that it shall and may be lawful for the said Thomas Lyde, his executors, administrators and assigns, to take and receive, for the ferrying over persons, their carriages, servants, horses and cattle, at the said ferry, the following rates of ferriage, and no other, that is to say:—for a foot passenger, two pence; for a man and horse, four pence; for a loaded wagon, four shillings and eight pence; for an empty wagon and team, two shillings and four pence; for any two wheeled carriage and horses, two shillings and four pence; for every head of neat cattle, horses, calves, sheep and hogs, ferried or swam over said ferry, two pence. And also, that the said Thomas Lyde, his executors, administrators and assigns, shall constantly, during the said term of fourteen years, keep and maintain one good and sufficient ferry boat or boats, and other necessities for the transporting passengers, their servants, carriages, horses and cattle, over the said ferry, as well by night as by day.

Power of com-
missioners.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners hereinbefore named, or a majority of them, and the survivors or survivor of such majority, shall have all the power and authority, by warrant under hand and seal, to levy and cause to be paid, any of the fines incurred by any former Act or Acts for establishing ferries, laying out roads, and to exercise all and as full powers and authorities for carrying this Act, or any part thereof respecting such commissioners, into execution, as are vested in any commissioners of high roads by any law of this State.

General issue
may be plead-
ed.

VII. *And be it further enacted* by the authority aforesaid, That in case any of the said commissioners, or any person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them, or any of them, to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful for the said commissioners, and the person or persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom to the contrary thereof notwithstanding.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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A. D. 1784.

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE FOR ESTABLISHING SEVERAL FERRIES THEREIN MENTIONED." No. 1238.

WHEREAS, by an Ordinance passed the sixteenth day of March, one thousand seven hundred and eighty-three, a ferry was established at a place called Simmons's upper ferry, and vested for fourteen years in Adam Fowler Brisbane and the heirs of Wood Furman; and the lands on both sides being the property of the said Adam Fowler Brisbane:

I. *Be it therefore ordained*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said ferry, on both sides the said ferry, be, and is hereby, vested in the said Adam Fowler Brisbane, his heirs, executors, administrators and assigns, for the said term of fourteen years; any thing in the said Ordinance contained to the contrary notwithstanding.

II. *And be it further ordained* by the authority aforesaid, That the said Adam Fowler Brisbane, Thomas Wright and William Bracey, be, and are hereby appointed, commissioners for laying out the road leading to and from the said ferry, and keeping the same in good repair, and shall have the like powers and authorities as are vested in the several commissioners of high-roads throughout this State.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

AN ORDINANCE FOR ESTABLISHING A PUBLIC FERRY TO AND FROM PORT ROYAL ISLAND. No. 1241.

WHEREAS, sundry inhabitants of Port Royal Island and St. Helena parish, have petitioned that a ferry should be established from Cochran's Point, on Port Royal Island, to the nearest and most convenient high land opposite thereto on the main; and *whereas*, a ferry so established and regulated, appears to be of general utility:

Preamble.

I. *Be it therefore ordained*, by the Honorable the Senate and House of Representatives, and by the authority of the same, That as soon as a causeway can be raised on the main side, in the manner hereinafter directed, that a public ferry shall be, and is hereby, established from Cochran's Point aforesaid, to the said causeway; and the rates of the said ferriage shall be ascertained by a majority of the commissioners hereinafter appointed.

Ferry at Cochran's Point.

II. And for the purpose of raising the causeway aforesaid, on the main side, and opening and keeping in repair the road leading thereto from the main road, *Be it ordained* by the authority aforesaid, That all the male

Causeways and roads thereto.

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Acts relating to Roads, Bridges and Ferries.

slaves, from sixteen to sixty years of age, between Pocotaligo bridge and Combahee ferry, on the south-east side of the road leading to Saltcatcher ferry, shall be, and they are hereby declared, liable to work on the road and causeway aforesaid, whenever the commissioners hereby appointed, or a majority of them, shall think fit, not exceeding six days in the year.

III. *And whereas*, a causeway raised on the Port Royal side, would greatly contribute to facilitate the communication between the island and the main. *Be it further ordained* by the authority aforesaid, That for the purpose of raising the causeway aforesaid, on the Port Royal side, and opening and keeping in repair the road leading thereto, all the male slaves from sixteen to sixty, on Port Royal Island, shall be, and they are hereby declared, liable to work on the road and causeway aforesaid, whenever the commissioners hereby appointed, or a majority of them, shall think fit, not exceeding six days in the year.

IV. *And be it further ordained* by the authority aforesaid, In case any person or persons shall refuse or neglect to send the slave or slaves hereby made liable to work on the roads and causeways aforesaid, when thereto required by a majority of the commissioners hereby appointed, every such person shall forfeit one dollar per day for every such slave so neglected or refused to be sent, to be recovered by a warrant of distress, under the hands and seals of any three of the said commissioners; and the said commissioners, or a majority of them, shall have all the powers and authorities for the purpose of carrying this Ordinance into execution, that are given by law to any other commissioners of the high-roads in this State.

Powers of
Comm'rs.

V. *And be it further ordained* by the authority aforesaid, That whenever the ferry shall be established as aforesaid, it shall and may be lawful for the commissioners hereby appointed, or a majority of them, at any time, and they are hereby authorized and required, to fix the rates of the said ferriage, and to dispose of the said ferry by contract, or otherwise, to any person or persons who will undertake to keep the same, and to take every such measure as to them shall appear, from time to time, expedient and necessary for the purpose of carrying this Ordinance into execution.

VI. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful to and for a majority of the commissioners hereby appointed, to fix the rates of the ferry commonly called Roupel's ferry, and to dispose of the same as they shall think proper; and if any person shall ask, demand or receive, more than the rates affixed as aforesaid, every such person shall forfeit double the sum by him so asked, demanded or received, to be recovered, on affidavit being made of the same, by warrant of distress from any one of the commissioners appointed by this Ordinance.

Comm'rs.
named.

VII. *And be it further ordained* by the authority aforesaid, That John Barnwell, William Hazzard Wigg, Nathaniel Barnwell, John Joyner, Charles Givens, Benjamin Garden, James Maine, Frederick Fraser and William Page, shall be, and they are hereby appointed, commissioners for carrying this Ordinance into execution; and in case any of the commissioners by this Ordinance appointed, shall die, depart the State, or refuse to act, it shall and may be lawful for the other commissioners, or a majority of them, to nominate and appoint another person or persons, in the room of him or them so dying, departing the State, or refusing to act; and the person or persons so chosen shall be invested with the same powers and authorities as the other commissioners hereby appointed.

VIII. *And be it further ordained* by the authority aforesaid, That if any person shall be sued for any thing done by virtue of this Ordinance,

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he may plead the general issue, and give this Ordinance and the special matter in evidence.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

AN ORDINANCE TO IMPOWER HIS EXCELLENCY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE PRIVY COUNCIL, TO APPOINT COMMISSIONERS OF THE HIGH-ROADS IN SUCH PARISHES AND DISTRICTS WHERE THE FREEHOLDERS NEGLECT TO ELECT THEM. No. 1245.

WHEREAS, no provision is made by any of the laws of this State, for the appointment of commissioners of the high-roads in such parishes and districts where the freeholders neglect to elect them.

I. *Be it therefore ordained* by the Honorable the Senate and House of Representatives of this State, and by the authority of the same, That in case the freeholders of any parish or district shall neglect, on any Easter Monday after the passing of this Ordinance, to elect the number of commissioners of the high-roads and bridges they are entitled to do by law, it shall and may be lawful for his Excellency the Governor, with the advice and consent of the Privy Council, and he is hereby authorized and empowered, to appoint proper persons in such parishes and districts, to be commissioners of the high-roads and bridges therein; and the said commissioners so to be appointed, are hereby, respectively, invested with all powers and authorities which by any former Act or Ordinance are vested in any board of commissioners of the high-roads in this State; and the said commissioners so to be appointed, are hereby declared to be in the place and stead, and to possess all the powers and authorities, of commissioners of high-roads elected by the freeholders in the manner prescribed by law, and shall be subject to all the pains and penalties that commissioners so elected are liable to; and in case any person shall be so appointed to serve as one of the aforesaid commissioners, and shall neglect or refuse to act as such, he shall forfeit and pay into the public treasury of this State, the sum of ten pounds, sterling; provided, that no person shall be liable to the payment of the said fine more than once in three years.

People failing to elect Commissioners of the high-roads, the Governor to appoint.

II. *And be it further ordained* by the authority aforesaid, That the several commissioners of the high-roads, immediately on their election, be empowered, and they are hereby required, to exercise the several authorities and powers they are respectively invested with by law, without waiting for a commission from his Excellency the Governor.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

A. D. 1785.

Acts relating to Roads, Bridges and Ferries.

No. 1259. AN ACT TO ESTABLISH A FERRY OVER SALUDA RIVER, ON THE LAND OF RUSSELL WILSON AND ANDREW LEE.

Preamble.

WHEREAS, a public road is established from Orangeburgh to Saluda river, and from thence to Bush and Rayburn's creek, and a ferry has been heretofore established over Saluda river, and had been vested in Samuel Kelly and John Milhouse, and their assigns, for seven years, which are now expired. And *whereas*, it is necessary a ferry should be continued at the said place.

Ferry over Saluda.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over Saluda river, on the land formerly belonging to Samuel Kelly and John Milhouse, on both sides of the river, but now the property of Russell Wilson and Andrew Lee; and that the said ferry shall be, and is hereby, vested in Russell Wilson and Andrew Lee, their heirs and assigns, as tenants in common, for and during the term of fourteen years.

Vested in Wilson and Lee.

Conditions.

II. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful for the said Russell Wilson and Andrew Lee, their heirs and assigns, to take and receive, for the ferrying over persons, their servants, carriages, horses and cattle, at the said ferry, the following rates and prices, and no other, that is to say:—for a foot passenger, three pence; for every horse, ferried over or swam, two pence; for a man and horse, four pence; for a chair with one horse, one shilling; for a cart and horses, one shilling; for an empty wagon, or other four wheel carriage, one shilling and eight pence; for a loaded wagon, or other four wheel carriage, two shillings; for each rolling hogshead and two horses, eight pence; for every head of black cattle, ferried or swam, one penny each; for every head of sheep or hogs, ferried over or swam, one half penny each.

III. *And be it further enacted* by the authority aforesaid, That if the said Russell Wilson and Andrew Lee, their heirs and assigns, shall demand, take or receive, any greater rates of ferriage than is hereby established, they, or either of them, shall forfeit to the party grieved, treble the sum so extorted, by the judgment of any court having jurisdiction, to be recovered by action of debt.

IV. *And be it further enacted* by the authority aforesaid, That Russell Wilson and Andrew Lee, their heirs and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry boat, with one or more able bodied men to attend the said ferry, as well by night as by day, for transporting passengers, their servants, carriages, horses, cattle, sheep, hogs and tobacco.

V. *And be it further enacted* by the authority aforesaid, That if any person coming to the said ferry to pass the same, shall meet with any unreasonable delay, or be unnecessarily retarded in passing the said ferry, the said Russell Wilson and Andrew Lee, or either of them, their heirs and assigns, shall forfeit and pay to the person so delayed, ten shillings. And in case such delay shall exceed one hour, fifteen shillings for every hour afterwards, to be recovered before the nearest justice of the peace in that district, if sued for in twenty days after the offence is committed.

VI. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry or ferry boat within three miles of the ferry hereby established on Saluda river, during the term that the said

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ferry is vested in the aforesaid Russell Wilson and Andrew Lee, their heirs and assigns.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN F. GRIMKE, *Speaker of the House of Representatives.*

AN ORDINANCE FOR RAISING THE RATES OF FERRIAGE AT ASHLEY No. 1272.
FERRY.

WHEREAS, the present rates of ferriage which are allowed by law for persons passing and re-passing over Ashley ferry, are not adequate to the expence of making up the causey leading thereto, and keeping the same in repair, and erecting a shed at the end of the said causey, and keeping proper boats and persons to attend the said ferry.

I. *Be it therefore ordained*, by the Honorable the Senate and House of representatives, now met in General Assembly, and by the authority of the same, That from and immediately after the passing of this Ordinance, there shall be received and taken at the said ferry, for the passing over persons, their servants, carriages, horses, cattle, sheep and hogs, the following sums, and no more, viz: for every person, one penny and half penny; for horses or neat cattle, one penny half penny per head; for calves, sheep or hogs, (except such as may be in carts or other carriages,) one penny per head; for a chair or chaise, nine pence; for a cart or any two wheeled carriage, whether loaded or empty, ten pence; for a coach, carriot or other four wheeled riding carriage, one shilling; and for a wagon or ox cart, whether loaded or empty, four shillings and eight pence.

II. *And be it also ordained* by the authority aforesaid, That if any person keeping the said ferry, or any one under his authority, shall demand and receive any higher ferriage for passing any person, their servants, carriages, horses, cattle, sheep or hogs, over the said ferry, than is hereby allowed, he shall forfeit and pay for every such offence, the sum of fifty pounds sterling, to be recovered in any Court of record in this State.

In the Senate House, the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

J. F. GRIMKE, *Speaker of the House of Representatives.*

A. D. 1785.

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No. 1282. AN ACT FOR KEEPING IN REPAIR THE SEVERAL HIGH-ROADS AND BRIDGES THROUGHOUT THIS STATE, AND FOR LAYING OUT THE SEVERAL NEW ROADS AND FERRIES THEREIN MENTIONED.

Commissioners of roads, how to be elected. I. *Be it enacted* by the Honorable the Senate and House of Representatives, and by the authority of the same, That on the first Monday in May next, and on every first Monday of every April thereafter, between the hours of nine in the morning and four in the afternoon, the freeholders of the several parishes and districts throughout the State, except the district of Ninety-Six, Camden, Cheraw, and Orangeburgh, shall choose by ballot such a number of commissioners for the high-roads, private paths, bridges, causeways, passages and water courses, or for the several and respective divisions of the same, as has hitherto been or may hereafter be required by law, as has been usually appointed for the same, or such number as the Governor or Commander-in-chief, with the advice and consent of the Privy Council, shall from time to time think necessary and direct. And the Representatives of the several parishes and districts, or a majority of them, are hereby authorized and required to appoint some person or persons for conducting the said election, and the most convenient place or places for holding the same, according to the several and respective divisions of the said high-roads, as have been or may hereafter be by law established, and to give three weeks public notice of such intended election.

Governor to fill vacancies. II. *And be it further enacted* by the authority aforesaid, That if any parish or district shall refuse or neglect to appoint commissioners as aforesaid, his Excellency the Governor, with the advice and consent of the Privy Council, is hereby authorized to appoint such commissioners, and all such other commissioners of the high-roads, private paths, bridges, creeks, causeways, passages and water courses, as he shall from time to time think expedient and necessary, and to fill up all vacancies that may happen by death or otherwise; and the commissioner or commissioners so appointed by his Excellency the Governor, shall continue to act and be vested with all the powers and authorities hereinafter mentioned, until others shall be appointed by the freeholders on the first Monday in May or April as aforesaid.

Penalty for neglect. III. *And be it further enacted* by the authority aforesaid, That if any person or persons chosen by the freeholders as aforesaid, or appointed by his Excellency the Governor or Commander-in-chief for the time being, shall refuse to act, or neglect doing his duty as commissioner aforesaid, every such person shall forfeit the sum of ten pounds, to be recovered by a summary process, and proof of such refusal or neglect, before one of the Judges of the Court of Common Pleas in Charleston, or at the Circuit Court of the district where the defaulter resides; and the money so recovered shall be paid to the acting commissioners of such parish or district, to be disposed of for repairing and keeping in repair the high-roads, bridges, causeways, creeks and water courses, as the said acting commissioners, or a majority of them, shall think fit. *Provided*, that no person shall be compelled to act as a commissioner for more than five years in ten.

IV. *And be it further enacted* by the authority aforesaid, That all the commissioners to be appointed as aforesaid, shall meet to form a board of commissioners for their respective parishes and districts, at the parish church, and where there is no church, at the place where the majority

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of the representatives shall think fit, at least twice in a year, viz: on the third Monday in April and on the first Monday in August. And the said commissioners, or a majority of them so met, are hereby authorized and required to lay out, make and keep in repair, all such high-roads, private paths, bridges, causeways and water courses, as they shall judge necessary in their several parishes or districts, and may divide the several parts of the said roads amongst the said commissioners, for the particular share of each or any of them, as to them shall seem most convenient and proper. And the said board of commissioners are also hereby authorized to declare and ascertain, where the same is not ascertained by law, or where doubts may arise concerning the same, what inhabitants are liable to work on any road or part of a road in their respective parishes and districts; and to call on all the inhabitants within the same to make a return of all their male slaves, within such parish or district, from sixteen to fifty years of age, to such persons, at such place, and within such time, as they shall appoint. And if any inhabitants shall neglect or refuse to make such return, called for by the commissioners, as aforesaid, every such inhabitant shall be deemed a defaulter, and liable to a fine of twelve dollars, for every such male slave so refused or neglected to be returned; to be recovered by a warrant from any three of the commissioners aforesaid.

Powers and duties of commissioners.

V. *And be it further enacted* by the authority aforesaid, That the several commissioners, according to their several and respective divisions aforesaid, are hereby fully authorized and required, whenever they think it expedient and necessary, to call on all the male inhabitants from sixteen to fifty years of age, within the divisions aforesaid, made liable by law, or by the board of commissioners, to work on the said high-roads, private paths, bridges, causways, creeks and water courses. And if any person or persons shall refuse or neglect to go, or to send their male slaves, when thereunto summoned by the commissioners aforesaid, every such person shall forfeit and pay, for the use of the said roads and bridges, two dollars for himself, and one dollar per day for every male slave so neglected or refused to be sent, to be recovered by immediate warrant of distress, under the hand of any three of the commissioners, against the goods and chattels of the defaulter, which, after ten days public notice, shall be sold for the purpose of paying the fine aforesaid, and charges accruing thereon, and the overplus, if any, returned to such defaulter. *Provided*, that no person shall be liable to work on any road, path, bridge or causeway, for more than ten days in one year, nor shall any person be compelled to work on any road or part of a road above ten miles from his usual place of residence.

Inhabitants to be summoned.

VI. *And be it enacted* by the authority aforesaid, That the said commissioners, or a majority of them, according to their respective divisions, shall have full power to cut down and make use of any timber, wood, earth, or stone, in or near the said high-roads, private paths, causways, bridges, creeks, and water courses, for the purpose of making or repairing the same, as to them shall seem necessary. And if any person or persons, by themselves, slaves or servants, shall by any ways or means stop up or obstruct the passage on the roads or paths laid out by the commissioners as aforesaid, or hinder, forbid, or threaten the said commissioners or any traveller from travelling the said roads, or shall hinder, forbid, or oppose the said commissioners, themselves, servants, or workmen, from cutting down or making use of any timber, wood, stone or earth, in or near the said roads or paths, for the purpose of making or repairing the same, every

Comm'rs. may use timber, earth, &c.

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such person, for every such offence, shall forfeit the sum of ten guineas, to be recovered by a summary process before any one of the Judges, at the Court of Common Pleas in Charleston, or at any one of the Circuit Courts in the district where the offence was committed or where the offender resides; the money to be disposed of for the use of such roads or paths.

Commissioners
may contract
for building
bridges, &c.

VII. *And be it further enacted* by the authority aforesaid, That all and every the respective boards of commissioners, within their several parishes, counties and districts aforesaid, shall have full power, and they are hereby authorized, to agree with any person or persons to undertake the building and keeping in repair any bridges they think fit, and to erect a house for the toll-gatherer; and either to lease the same on toll, for any number of years, not exceeding twenty-one, fixing the rates of such toll, or they shall levy such sum or sums of money, for defraying the charges of such bridges, by an assessment, in equal proportion, on all the males, from sixteen to fifty years of age as aforesaid, within their several parishes and districts.

In case of
bridge between
two districts.

VIII. *And be it further enacted* by the authority aforesaid, That where any river or creek lies between two parishes, counties or districts, and either of the said parishes, counties or districts, shall desire a bridge to be built over such river or creek, for the conveniency of the inhabitants, the commissioners of both the said parishes, counties or districts, are hereby authorized and required to meet and assess and levy for the same, rateably and proportionably, on all the male inhabitants, from sixteen to fifty years of age as aforesaid, of both such parishes, counties or districts; and the inhabitants of both the said parishes, counties or districts, shall, likewise, from time to time, repair all bridges lying between two parishes, counties or districts. *Provided*, that if either of the said boards of commissioners shall think fit; they are hereby authorized to agree with any person or persons to build and keep in repair such bridge, and to lease the same on toll, for any number of years not exceeding twenty-one, and to fix the rates of such toll.

Penalty for in-
juring bridges.

IX. *And be it further enacted* by the authority aforesaid, That if any person or persons shall wantonly or wilfully injure or destroy any bridge or bridges built as aforesaid, every such person or persons, on indictment and conviction of the same, at the court of General Sessions in the district, or County Court of the county where the offence was committed, be subject to such fine and imprisonment as either of the said courts shall direct.

X. *And for the prevention of injury to bridges, by vessels, boats and rafts passing under them, Be it enacted* by the authority aforesaid, That all vessels, boats or rafts passing under any bridge, shall, before they come to the same, drop anchor and drag through under the same. And if any vessel, boat or raft shall pass or attempt to pass under any bridge, without dragging as aforesaid, every such vessel, boat or raft, shall forfeit the sum of ten guineas; to be recovered by immediate seizure and detention of the said vessel, boat or raft, until the payment of the said sum, by warrant, from one of the commissioners for the said bridge, or by the person or persons to whom the commissioners aforesaid might have leased the same, or by information being given of the same to one of the Judges of the Court of Common Pleas in Charleston, or in the District or County Court where the offence was committed; the money, when so recovered, to be applied for the re-building or keeping in repair such bridge.

XI. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out by five commissioners, or a majority of them, to be

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Sundry roads
established.

appointed as aforesaid, on the first Monday in May next, and on the first Monday of every April thereafter, from McCord's Ferry to the fork of the road above the Pole Bridge leading to Winnsborough. And that all the male inhabitants, from sixteen to fifty years of age, between the said road and Congaree river, and the road extending from Russell's Ferry to the said Pole Bridge, and also one half of the male inhabitants between the said new road to be laid out as aforesaid, and the road leading from McCord's Ferry to Camden, shall be, and they are hereby declared, liable to work on the public road to be laid out as aforesaid.

XII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out by five commissioners, or a majority of them, to be appointed as aforesaid, from the Long Bluff Court House, the nearest and most direct way to Camden, to cross Lynch's Creek at or about the fork of Little and Big Lynch's Creek. And also, another public road from Long Bluff Court House, to Murray's Ferry, on Santee. And also, another public road from Kolb's Ferry, on Peedee, to Barnes's Bridge, on Gum Swamp, to meet a road leading from Cross Creek to that place.

XIII. *And be it further enacted* by the authority aforesaid, That the road from Pon Pon to the Round O Swamp, and from thence to Red Bank, on Edisto river, be hereafter deemed a public road; and that five commissioners be appointed for the same on the first Monday in May next, and on the first Monday of every April thereafter. And also, that five commissioners be appointed as aforesaid, for laying out and keeping in repair, a public road on the north side of Edisto river, from the Red Bank ferry to Orangeburgh. And also, a road from the said Red Bank road, the nearest and best way, until it intersects the road to Slann's bridge.

XIV. *And be it further enacted* by the authority aforesaid, That five commissioners be appointed as aforesaid, for laying out and keeping in repair a public road from Puryburgh to Channing's ferry, on Savannah river. And also, a public road from New River Bridge to intersect the said road. And all the male slaves, from sixteen to fifty years of age, living to the south and eastward of the road leading from Puryburgh to New River bridge, are hereby made liable to work on the said roads. And also, a road beginning at a branch of Cloud's Creek, about five or six miles below the Ridge, which said branch crosses the Congaree road, from thence, the nearest and best way, across the head of Edisto river to Hatcher's Ponds, and from thence to Beech's Island. Also, a road to begin at the place where it is supposed the above road will cross the road that leads from Long Cane to Charleston, thence across Great Horse Creek, and by Gen. Pickens's saw-mill, from thence to Adams's ferry, opposite Augusta. And also, that a road leading from the Island Ford, Saluda, to the Cherokee Ponds, between Turkey Creek and the said ponds, be altered, by leaving the other road near Turkey Creek, and running by the plantation of Arthur Simkins; and from thence, by the plantation of John Frazier; from thence, the nearest way, to Marshall's old place; from thence to Leonard Noble's old place, near the head of Cheavoux Creek; from thence to James Jonacon's old place, on said creek; and from thence, intersecting the said road leading from the Island Ford of Saluda, to Augusta, at Davis's Grave. And also, a road leaving the Charleston road near Hatcher's Ponds, and running a direct course and crossing the road leading from the Ridge to Augusta, near the Old Wells; from thence, the nearest and best way, to Leonard Noble's old place, on Cheavoux Creek; from thence, crossing the Island Ford road, leading to Augusta, near Singwild's old muster ground,

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at a place called New Market; from thence to the plantation of Jacob Summerall, on Horn's Creek; from thence, near the widow Maine's, there to cross the road leading from Ninety-Six to Augusta; from thence to Minor's Old Ford, on Stephens's Creek, a small distance below Turkey Creek; from thence, a direct course down the Ridge between Savannah River and Stephens's Creek, to Hill's Ford; from thence, intersecting the road leading from Long Cane, about two or three miles above Calhoun's old mills. Also, a road, leading the nearest and best way, from Ninety-Six to Abraham Read's, on the old Indian boundary; from thence, the nearest and best way, to Henry Wolf's, in the fork of Saluda river. Also, a road beginning at or near Ratcliff's old place, on Black River road; from thence to Little Lynch's Creek, at or near the Pine Log; from thence to Flat Creek, at or near John Kennington's; from thence to intersect with Rocky River Road, at or near the Silver Run. Also, a road leading from Lyde's ferry, the most direct way, to Drowning Creek, to meet a road leading from Cross Creek to that place.

Summerall's
ferry.

XV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established at a place called Summerall's ferry, on Savannah river; and that the said ferry shall be, and is hereby, vested in John Hampton, his executors, administrators and assigns, for and during the term of fourteen years. And it shall and may be lawful for the said John Hampton to take and receive the following rates, and no other, viz:—for a foot passenger, three pence; for a man and horse, six pence; for a wagon, two shillings and four pence; for a wagon and team, four shillings and eight pence; for each rolling hogshead, one shilling and six pence; for any two wheeled carriage and horses, two shillings and four pence; for every head of neat cattle, horses, hogs, sheep or goats, two pence, per head. And also, that the said John Hampton, his executors, administrators and assigns, shall constantly, during the said term of fourteen years, keep and maintain at the said ferry, good and sufficient boats, and other necessities for transporting passengers, their servants, carriages, horses, hogsheads, sheep, hogs or goats, as well by night as by day. And also, that five commissioners, or a majority of them, to be appointed as aforesaid, do lay out and keep in good repair, a road, leading the nearest and best way, from the said ferry to Orangeburgh. And another, the nearest and best way, to intersect the road leading from Augusta to Charleston, at a place called the Green Ponds.

Certain roads
to be made.

XVI. *And be it further enacted* by the authority aforesaid, That five commissioners be appointed as aforesaid, for laying out a road leading up the river, from the Beaufort line to Ninety-Six line, Silver Bluff.

Bridges.

XVII. *And be it further enacted* by the authority aforesaid, That five commissioners, to be appointed as aforesaid, are hereby empowered and directed to build a bridge over Thompson's Creek, opposite the saw mills on Juniper's Creek; and the said commissioners, or a majority of them, are directed to open the navigation of the said creek, as high as the mouth of Indian Creek; also, for building a bridge over Black Creek, at or near the place where the road crosses the same, that leads from the Cheraw Hill to Georgetown.

XVIII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established on the Catawba river, at a place called M'Daniel's

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Ferry; and the said ferry shall be, and is hereby, vested in George Wade, his executors, administrators and assigns, for the term of fourteen years. And it shall and may be lawful for the said George Wade, his executors, administrators and assigns, to have, demand and receive, for the ferrying over persons, their servants, carriages, horses, cattle, hogs, sheep and goats, at the said ferry, the following rates, and no other:—for a foot passenger or single horse, three pence; a wagon, empty or loaded, and team, two shillings and four pence; any other four wheeled carriage, two shillings and four pence; any two wheeled carriage and one horse, one shilling; an ox cart and team, two shillings and four pence; every head of neat cattle, ferried or swam, one penny; every head of calves, sheep, hogs or goats, ferried or swam, one penny; every rolling hogshead and horses, one shilling and six pence. And also, that the said George Wade, his executors, administrators and assigns, shall constantly, during the term of fourteen years, keep and maintain at the said ferry, a sufficient number of good boats, and other necessities, for the purpose of transporting passengers, their servants, carriages, horses, cattle, sheep, hogs and rolling hogsheads, over the said river, as well by night as by day. *Provided, nevertheless,* that the said George Wade shall not obstruct the road leading to McDaniel's Ford, nor the said ford.

Ferry over
Catawba, at
Daniel's.

XIX. *And be it further enacted* by the authority aforesaid, That five commissioners, or a majority of them, to be appointed as aforesaid, shall lay open, work on and keep in repair, a road leading from Marshal's place on Rokey Mount road, on the east side of Catawba river, crossing at the said ferry, and thence to fall into the road leading from M'Cord's ferry to the upper settlements of Broad and Catawba rivers, near a place called Ferguson's.

Road over said
ferry.

XX. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing this Act, Cook's ferry, on Saluda river, shall be, and is hereby, vested in William Anderson, his executors, administrators and assigns, for and during the term of fourteen years; and that it shall be lawful for the said William Anderson, his heirs, executors, administrators and assigns, to take and receive, during the term aforesaid, the following rates of ferriage, and no other:—for every man and horse, four pence; for every passenger or single horse, two pence; for every two wheeled carriage and team, one shilling; for a wagon, one shilling and eight pence; for a wagon and team, two shillings and four pence; for every head of neat cattle, sheep, calves, hogs or goats, ferried or swam, one penny; for every rolling hogshead and horses, one shilling. And that the said William Anderson, his heirs, executors, administrators or assigns, shall constantly, during the said term of fourteen years, keep good and sufficient ferry boats, and other necessities for transporting passengers, their servants, carriages, horses, cattle, sheep, calves, hogs, goats, rolling hogsheads, as well by night as by day.

Cook's ferry,
over Saluda.

XXI. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing this Act, the ferry on the Wateree river, near Camden, shall be, and is hereby, vested, for the term of fourteen years, in William Wyley, on the east side, and in Joseph Kershaw, on the west side of the said river, and their heirs, executors, administrators and assigns, respectively, as tenants in common, and not as joint tenants; and it shall be lawful for the said William Wyley and Joseph Kershaw, their heirs, executors, administrators and assigns, to take and receive the following rates of ferriage, and no other, viz.—For man and horse, four

Ferry at
Camden.

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pence ; foot passenger, two pence ; wagon and team, three shillings and six pence ; rolling hogshead, one shilling and six pence ; two wheeled carriage and horses, two shillings and four pence ; every head of cattle swam, three pence ; every head of sheep, hogs or goats, two pence. And the said William Wyley and Joseph Kershaw, their heirs, executors, administrators and assigns, are hereby directed to keep, during the term aforesaid, good and sufficient ferry boats, for transporting all passengers, their carriages, servants and horses, and all cattle, sheep, hogs, goats and rolling hogsheads, as well by night as by day.

Ferry at Pleasant Bluff.

XXII. *And be it further enacted* by the authority aforesaid, That a public ferry be established from Pleasant Bluff, (formerly called Fullwood's,) on the south side of Cooper river, to a point of land on the east side of Cooper river, nearly opposite, called Ityone, and the rates of the said ferry shall be as followeth, viz. To and from Charleston, for every single passenger, three shillings ; for two or more passengers, two shillings and six pence each ; for a hogshead of tobacco, five shillings,—to and from Fullwood's, for a single person, one shilling and six pence ; for man and horse, three shillings ; for two and more, two shillings and six pence ; for a single horse, two shillings and four pence ; for a horse and chaise or chair, four shillings and eight pence ; for a four wheeled carriage and two horses, seven shillings ; for a wagon and team, nine shillings and four pence ; for sheep, hogs and goats, three pence each ; for every rolling hogshead and horse, four shillings and eight pence.

XXIII. *And be it further enacted* by the authority aforesaid, That the said ferry shall be, and is hereby, vested in John Clements, his heirs and assigns, for the term of fourteen years, on condition that he shall, from time to time, and at all times, keep good sufficient boats, and able bodied servants to attend the same, for transporting passengers, their carriages, servants, horses, cattle, hogs, sheep and goats, and rolling hogsheads, as well by night as by day.

Road thereto.

XXIV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out by the commissioners to be appointed as aforesaid, from the main road to the point at Ityone aforesaid.

XXV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the road leading to the landing on Pleasant bluff, shall be deemed a public road and landing, for all person and persons whatever, passing to and through the same ; and that no person or persons shall keep a public ferry on the east side of Cooper river, for landing any person or persons thereon, except the said John Clements, his heirs or assigns.

Who exempt from ferriage.

XXVI. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief of this State for the time being, all ministers of the gospel, and all persons going to and from places of divine worship, or going to and returning from any muster of the militia, or from an election for the members of the General Assembly, and all persons in time of alarm, expresses and messengers in the service of this government, or of the Honorable the Congress of the United States, and all members of the House of Assembly, with their servants, riding carriages and horses, going and returning from the sessions thereof, be, and they are hereby, exempted from paying any ferriage ; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

XXVII. *And be it further enacted* by the authority aforesaid, That a public road be laid out, not less than sixty feet wide, by the commissioners

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of Saint Philip and Saint Michael parishes, to be appointed as aforesaid, on Charleston Neck, to run in a straight line with Meeting-street continued, until it intersects the present high-road. And also, a public road from Harleston's, until it falls into Congress-street, in the village of Washington, lately laid off into lots; and that the said roads be made and kept in repair by an assessment on all the inhabitants of Saint Philip's and Saint Michael's parishes, to be made by the commissioners of the said parishes to be appointed as aforesaid.

Roads in St. P. and St. M.

XXVIII. *And be it further enacted* by the authority aforesaid, That the City Council be vested with the necessary power and authority for continuing East Bay-street from its present termination to the extremity of White Point, in a direction most advantageous to the public, and convenient to the proprietors of the lands adjoining. And for defraying the expenses of the same, they are hereby authorized and empowered to assess and levy on the owners of lands in Charleston in the following proportion, viz. The proprietors of lands adjoining shall pay in a twenty fold proportion; and the proprietors of lands on the east side of Meeting-street, as far as Lightwood's Alley, and the proprietors of land on the east side of Church-street, as far as Young's bridge, in an eight fold proportion, more than the owners of other lands in Charleston; and that the sum to be assessed on each lot in Charleston, be adjusted on the principles aforesaid, according to the value of the same, as shall be rated by the assessors for the year one thousand seven hundred and eighty-five.

East Bay street to be continued.

XXIX. *And be it further enacted* by the authority aforesaid, That a public road be laid out, by commissioners to be appointed as aforesaid, from Verreen's, at the upper end of Long Bay, to James Grier's ferry, on Waccamaw river; and from thence to Euhany; and from thence to Georgetown. And the commissioners of the roads for All Saints's and Prince George's parish, Win yaw, are hereby authorized to fix the rates of Grier's ferry.

Sundry roads established.

XXX. *And be it further enacted* by the authority aforesaid, That a road be laid off from the bridge on the Upper Three Runs, the nearest and best way, to the bridge on the Lower Three Runs, at Brown's old plantation; and from thence to Saltcatcher ferry, on the Charleston road. And also, that a road be laid off from the lower bridge on the Lower Three Runs; until it intersects the road leading to Saltcatcher ferry, on the Charleston road; and that all white male persons and negroes, from sixteen to fifty years, living within ten miles of the said roads, shall be obliged to work on the same. And also, that a road may be laid out from Summerlan's ferry, on Savannah river, the nearest and best way to the mouth of Black creek, on North Edisto; and from thence to Friday's ferry, on the Congaree river. And also, that a public road may be laid out from Friday's ferry, the nearest and best way, to Winnsborough. And also, that a public road may be laid out from the Great Cane break, on Reedy river, the nearest and best way, to the old Indian Ford, near the fork of Saluda river.

XXXI. *And be it further enacted* by the authority aforesaid, That immediately after passing this Act, a public ferry shall be, and is hereby, established at a place known by the name of Harbert's ferry, on Broad river, at river; and the said ferry is, and shall be, and is hereby, vested in Thomas Harbert, his heirs, executors, administrators and assigns, for and during the full term of fourteen years; and that it shall and may be lawful for the said Thomas Harbert to take and receive the following rates, viz.— For a wagon and team; and all other four wheel carriages, four shillings

Ferry over Broad river, at Harbert's.

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and six pence ; for all two wheeled carriages with horse or horses, two shillings and four pence ; for each rolling hogshead, one shilling and three pence ; for man and horse, six pence ; for foot passenger, three pence ; for single horse, three pence ; for every head of cattle, hogs and sheep, ferried or swam, one penny half penny. And also, the said Thomas Harbert, his executors, administrators and assigns, shall, during the said term of fourteen years, keep and maintain at the said ferry, a good and sufficient boat, and other necessities for transporting passengers, their servants, carriages, horses, cattle, hogs, sheep and hogsheads, as well by night as by day.

Ferry over
Broad river, at
Shirer's.

XXXII. *And be it further enacted* by the authority aforesaid, That immediately after the passing this Act, a public ferry shall be established at a place known by the name of Shirer's ferry, on Broad river; and the said ferry is and shall be vested in Minor Winn, his heirs, executors, administrators and assigns, for and during the term of three years; and that it shall and may be lawful for the said Minor Winn, his heirs, executors, administrators and assigns, to take and receive the following rates, viz.—For a wagon and team, and all other four wheeled carriages, four shillings and eight pence ; for two wheeled carriage, two shillings and four pence ; for every rolling hogshead and horses, one shilling and six pence ; for man and horse, six pence ; for foot passengers, three pence ; for every single horse, three pence ; for every head of cattle, hogs and sheep, one penny half penny. And also, the said Minor Winn, his executors, administrators and assigns, shall, during the said term of three years, keep and maintain at the said ferry, a good and sufficient boat or boats, and other necessities for transporting passengers, their servants, carriages, horses, cattle, hogs, sheep and hogsheads, as well by night as by day, and shall be under the same regulations as all ferries heretofore established.

Ferry over
Congaree, at
Friday's.

XXXIII. *And be it further enacted* by the authority aforesaid, That from and immediately after passing this Act, a public ferry shall be, and is hereby, established at a place known by the name of Friday's ferry, on the Congaree river ; and that the said ferry shall be, and is hereby, vested in Richard Hampton and Wade Hampton, their executors, administrators and assigns, for and during the full term of fourteen years ; and that no ferry shall be established or kept within three miles of the said ferry, for and during the term aforesaid. And that it shall and may be lawful for the said Richard Hampton and Wade Hampton, to take and receive the following rates, to wit :—for a wagon and team, and all other four wheeled carriages with horses, four shillings and eight pence ; for all two wheeled carriages with horses, two shillings and four pence ; for each rolling hogshead and horses, one shilling and six pence ; for a man and horse, six pence ; for a foot passenger, three pence ; for every single horse, three pence ; for every head of cattle, ferried or swam, two pence ; for every head of sheep and hogs, ferried or swam, one penny half penny. And also, the said Richard and Wade Hampton, their heirs, executors, administrators and assigns, shall keep and maintain good and sufficient boat or boats, and other necessities for transporting passengers, their servants, carriages, horses, hogsheads, cattle, sheep and hogs, as well by night as day.

XXXIV. *And be it further enacted* by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to divest the justices of the county courts of the powers and authorities given them by the Act entitled "An Act for establishing county courts, and regulating proceedings therein."

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A. D. 1786.

XXXV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall be sued for any thing done in pursuance of this Act, it shall or may be lawful for such person or persons to plead the general issue and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

General issue
may be plead-

In the Senate House, the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN F. GRIMKE, *Speaker of the House of Representatives.*

AN ACT FOR GIVING TO THE MAGISTRATES OF THE COUNTY COURTS, No. 1815.

THE SEVERAL POWERS AND AUTHORITIES OF THE COMMISSIONERS OF THE HIGH ROADS; AND TO REPEAL THE SEVENTH CLAUSE AND THE PRO-
VISO OF THE EIGHTH CLAUSE OF AN ACT, ENTITLED "AN ACT FOR
KEEPING IN REPAIR THE SEVERAL HIGH ROADS AND BRIDGES WITHIN
THIS STATE, AND FOR LAYING OUT THE SEVERAL NEW ROADS AND
FERRIES THEREIN MENTIONED;" PASSED THE TWENTY-SECOND DAY OF
MARCH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the acting magistrates in the several county courts in this State, are hereby vested with the same powers and authorities that are given to the commissioners of the high roads by an Act of the General Assembly, passed the twenty-second day of March, one thousand seven hundred and eighty-five.

V. *And be it further enacted* by the authority aforesaid, That so much of the seventh clause of an Act entitled "An Act for keeping in repair the several high roads and bridges throughout this State, and for laying out the several new roads and ferries therein mentioned," as empowers the commissioners of the high roads to erect a house for the toll-gatherer, and either to lease the same on toll for any number of years not exceeding twenty-one, fixing the rate of such toll; and also, the proviso at the end of the eighth clause, be hereby repealed, and made null and void. *Provided, nevertheless*, that any thing herein contained shall not extend to such toll-bridges as have been or shall be built in consequence of contracts already subsisting for erecting a bridge or bridges over any river or creek within this State under the aforesaid Act.

III. *And whereas*, tolls have been demanded and received at bridges which were built before the passing of the aforesaid Act. *Be it therefore further enacted* by the authority aforesaid, That if any person or persons shall hereafter demand and receive any money for toll at such bridge or

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bridges, he or they shall forfeit and pay a fine of three pounds, unto the person or persons suing for the same, on conviction thereof before any one magistrate for the district, county or parish, where such offence was committed.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall prosecute any of the commissioners of the high roads for neglect of duty, the monies recovered on such action shall be paid, one half to the acting commissioners of the parish or district where the defaulter resides, and the other half to the person or persons prosecuting for the same; any law to the contrary notwithstanding.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six.

JOHN LLOYD, *President of the Senate.*

JOHN F. GRIMKE, *Speaker of the House of Representatives.*

No. 1324. AN ACT FOR LAYING OUT SEVERAL NEW ROADS, AND FOR ESTABLISHING DIVERS PUBLIC FERRIES, THEREIN MENTIONED.

Road in Saint
John's.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a public road shall be laid out in Saint John's Parish, Marion County, from the Saint Stephen's road, along Santee river, to the Congaree road near the Eutaws. And that Benjamin Gignilliat, Thomas Walter, Robert McKelvy, Gideon Kirk, and Theodore Gourdine, be, and they are hereby appointed, commissioners for the purpose of making and laying out the same. And that immediately after the said road shall be laid out and finished by the said commissioners, or a majority of them, the same shall be under the directions of the commissioners of high roads for the parish of Saint John, Marion County, in the same manner as the other public roads in the said parish.

In St. David's.

II. *And be it further enacted* by the authority aforesaid, That the commissioners of high roads for the Parish of Saint David, or a majority of them, be, and they are hereby, authorized and required to remove the main road which leads from Beaver Dam Creek to White's Creek, and to lay out the same in such a manner as to make it cross Hicks's Creek, at or near the plantation of James Gillispie, instead of the place it formerly did.

Ferry over
Congaree, at
Huger's.

III. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over Congaree river, at the plantation of Isaac Huger, in the district of Camden; and that the said ferry shall be, and is hereby, vested in the said Isaac Huger, his executors, administrators and assigns, for and during the term of fourteen years. And that it shall and may be lawful for the said Isaac Huger, his executors, administrators and assigns, to take and receive the following rates, and no other, viz:—for a foot passenger, three pence; for a man and horse, six pence; for a wagon and team, four shillings and eight pence; for any four wheeled carriage and

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team, four shillings and eight pence; for a rolling hogshead and horse, one shilling and eight pence; for every two wheeled carriage and horse, two shillings and four pence; for every head of cattle, horses, sheep, hogs or goats, ferried or swam, two pence.

IV. *And be it further enacted* by the authority aforesaid, That a public road shall be made and laid out, beginning from the Camden road a few miles above Mrs. Weston's plantation, to lead into the Winnsborough road; and from thence, through part of Edward Lightwood's land, to the said ferry above established at Isaac Huger's plantation. And also, that another public road shall be laid out from Rice Creek to the said ferry above established; and thence across the Congaree river, by the nearest and most convenient way, to Halfway Swamp, with the least injury to the plantations by which it passes. And William Myer, William Atteson, and Isaac Raiford, are hereby appointed commissioners, on the north side of Congaree river; and William Heily, Captain Watt, and John Lord, commissioners on the west side thereof, for the purpose of opening and laying out the said road; and the said commissioners, or a majority of them, are hereby fully authorized and required to make and lay out the same.

Roads to Huger's ferry.

V. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over Peedee river, on the south-west side thereof, at the upper end of Joseph Pledger's plantation, between Long Bluff and Cheraw Hill; and that the said ferry shall be, and is hereby, vested in the said Joseph Pledger, his executors, administrators and assigns, for and during the term of fourteen years. And that it shall and may be lawful for the said Joseph Pledger, his executors, administrators and assigns, to take and receive the following rates, and no other, viz:—each foot passenger, three pence; each man and horse, six pence; for every rolling hogshead and horse, one shilling and eight pence; for a wagon or any four wheeled carriage and team, four shillings and eight pence; for every two wheeled carriage and horse, two shillings and four pence; for every head of horses, cattle, sheep, hogs or goats, ferried or swam over, three pence.

Ferry over Peedee, at Pledger's.

VI. *And be it further enacted* by the authority aforesaid, That a public road shall be opened and laid out from the said ferry, on each side of the said river, by the most convenient route, until it intersects with the present public roads leading up and down the country on both sides of the aforesaid river.

Road thereto.

VII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established near a place called Pickens's Ford, on the river Saluda, at the mouth of Bush River, in the district of Ninety-Six; and that the said ferry shall be, and is hereby, vested in Philemon Waters, his executors, administrators and assigns, for and during the term of fourteen years. And that it shall and may be lawful for the said Philemon Waters, his executors, administrators and assigns, to take and receive the following rates, and no other, viz:—for each foot passenger, three pence; for a man and horse, four pence; each rolling hogshead and horse, one shilling; for a wagon, or any four wheeled carriage and team, two shillings; for every two wheeled carriage and horse, one shilling; every head of horses, cattle, sheep, hogs or goats, ferried or swam over, one half penny.

Ferry over Saluda, at Pickens's.

VIII. *And be it further enacted* by the authority aforesaid, That from

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Ferry over
Broad river, at
Fish Dam.

and immediately after the passing of this Act, a public ferry shall be, and is hereby, established at or near a place called Fish Dam Ford, on the south side of Broad River, in the district of Camden; and that the said ferry shall be, and is hereby, vested in David Hopkins, his executors, administrators and assigns, for and during the term of fourteen years. And that it shall and may be lawful for the said David Hopkins, his executors, administrators and assigns, for and during the said term of fourteen years, to take and receive the following rates, and no other, viz:—every foot passenger, three pence; every man and horse, four pence; every rolling hogshead and horse, one shilling and six pence; every wagon or four wheeled carriage and team, three shillings and six pence; for every two wheeled carriage and horse, one shilling and six pence; for every head of horses, cattle, sheep, hogs or goats, ferried or swam over, one penny.

Ferry over Ca-
tawba, at the
Nation Ford.

IX. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over the river Catawba, near a place known by the name of the old Nation Ford; and that the said ferry shall be, and is hereby, vested in Thomas Sprot and Daniel Sturges, their executors, administrators and assigns, for and during the term of fourteen years; and that it shall and may be lawful for the said Thomas Sprot and Daniel Sturges, their executors, administrators and assigns, to take and receive the following rates, and no other:—for a foot passenger, three pence; for a man and horse, four pence; for a rolling hogshead and horse, one shilling and six pence; for every wagon, or other four wheeled carriage, with horses, three shillings and six pence; for every two wheeled carriage and horse, one shilling and six pence; for every head of horses, cattle, sheep, hogs or goats, ferried or swam over, one penny.

Murray's ferry
vested in heirs
of A. M'Don-
ald.

X. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the public ferry, known by the name of Murray's ferry, on the river Santee, shall be, and is hereby, vested in the heirs of Adam M'Donald, their executors, administrators and assigns, for and during the term of fourteen years; and that it shall and may be lawful for the said heirs of Adam M'Donald, their executors, administrators and assigns, to take and receive the following rates, and no other, viz.—Short ferry—a footman, three pence; single horse, three pence; man and horse, six pence; wagon and team, and all four wheeled carriages, three shillings and six pence; swimming of cattle, per head, one penny and a half; hogs, sheep and goats, one penny; cart and horses, one shilling and ten pence; chair and horse, one shilling and six pence; Long ferry—a footman, one shilling; single horse, one shilling; man and horse, two shillings; wagon and team, and all four wheeled carriages, nine shillings and four pence; cart and horses, four shillings and eight pence; riding chair and horse, three shillings.

Ferry over
Savannah, at
Lemar's.

XI. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing this Act, a public ferry shall be, and is hereby, established at a place known by the name of Lemar's ferry, on Savannah river, Edgefield county; and that the said ferry shall be, and is hereby, vested in John Lemar, his executors, administrators and assigns, for and during the term of fourteen years; and that it shall and may be lawful for the said John Lemar to take and receive the following rates, and no other:—for a foot person, three pence; for a man and horse, six pence; for a horse, ferried or swam, three pence; for a chair and horse, one shilling and six pence; for an empty wagon, or other four wheeled

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carriage, two shillings and four pence ; for a loaded wagon, or other four wheeled carriage, four shillings and eight pence ; for a rolling hogshead and two horses, one shilling ; every head of black cattle, ferried or swam, two pence ; every head of sheep or hogs, one penny.

XII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing this Act, a public ferry shall be established at the place called Snow Hill, in the county of Edgefield, over the Savannah river, to the land opposite thereto, in the State of Georgia ; and that the said ferry shall be, and is hereby, vested in Le Roy Hammond, his heirs, executors, administrators and assigns, for and during the term of fourteen years ; and that it shall and may be lawful for the said Le Roy Hammond to take and receive the same rates of ferriage as is allowed at Mayson's ferry, over the said river, and no other.

Ferry over Savannah, at Snow Hill.

XIII. *And be it further enacted* by the authority aforesaid, That the clause for establishing the rates of ferriage at Russel Wilson and Andrew Lee's ferry, be repealed ; and that the following rates be established in lieu thereof, viz—For a loaded wagon and team, two shillings and four pence ; for an empty wagon, two shillings ; for a rolling hogshead and two horses, one shilling and two pence ; for a chair and horse, one shilling ; for a cart and horse, one shilling and two pence ; for a foot passenger, three pence ; for a man and horse, six pence ; for every head of cattle, ferried or swam, two pence ; for every head of hogs or sheep, ferried or swam, one penny.

Rates of ferriage at Wilson's and Lee's ferry.

XIV. *Whereas*, an Ordinance passed the twenty-sixth day of March, one thousand seven hundred and eighty-four, for establishing a ferry at Cochran's Point, to and from Port Royal Island ; and as the commissioners appointed by said Ordinance find it impracticable to establish a ferry at the said place, *Be it enacted*, by the Honorable the Senate and House of Representatives, That John Barnwell, William H. Wigg, Nathaniel Barnwell, John Joyner, Charles Givens, Benjamin Garden, James Maine, Frederick Fraser, William Page, Stephen Bull and James Hazzard Cuthbert, or a majority of them, shall be, and are hereby, empowered to erect causeways, and establish a public ferry at or near the place called Roupell's ferry ; any thing in the said Ordinance to the contrary notwithstanding. And for the better establishing the said ferry, the commissioners aforesaid, or a majority of them, are hereby invested with all the powers and authority given by the said Ordinance.

Causeways and ferry near Roupell's.

XV. *And be it further enacted*, That the said Isaac Huger, Joseph Pledger, Philemon Waters, David Hopkins, Thomas Sprot, Daniel Sturges, Le Roy Hammond, John Lemar, and the heirs of the said Adam M'Donald, their executors, administrators and assigns, respectively, shall constantly, during the said term of fourteen years, keep and maintain at the said ferries, a sufficient number of good boats, and other necessities for transporting passengers, their servants, carriages, goods of every kind, horses, cattle, sheep, hogs and goats, as well by night as by day.

Duty of owners of ferries.

XVI. *And be it further enacted* by the authority aforesaid, That a public road be made and laid out, by the nearest and best way, from Friday's ferry, on the Congaree river, to the ridge between the north and south forks of Edisto river, and to be continued thence, by the nearest and best way, to the established ferry on Savannah river, opposite to the town of Augusta. And also, that another road be laid out and made from the said ferry, to Bevin's bridge, on Horse creek, and from thence, by the best and

Road from Friday's to the Augusta ferry.

Another to Bevin's bridge, &c.

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most direct way, into the road leading from Fort Moore to the White Ponds.

General issue
may be plead-
ed.

XVII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall be sued for any thing done in pursuance of this Act, such person or persons may plead the general issue, and give this Act and the special matter in evidence. And in case the plaintiff shall suffer a discontinuance, or judgment shall pass against him, her or them, the defendant shall be allowed his treble costs of suit.

Road from
Parker's ferry
to the Augusta
road.

XVIII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out in St. Bartholomew's parish, from Parker's ferry to the road below Edisto saw mills, leading to Augusta, through lands the nearest and most convenient for that purpose; and that Thomas Ferguson, John Rutledge, ——— Cogger, Peter Youngblood and Joseph Atkinson, be, and they are hereby appointed, commissioners for the purpose of laying out the same; and that immediately after the said road shall be laid out by the said commissioners, or a majority of them, the same shall be under the direction of the commissioners of the high-roads for the parish of St. Bartholomew, in the same manner as the other public roads are in the said parish.

In the Senate House, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN F. GRIMKE, *Speaker of the House of Representatives.*

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AN ORDINANCE FOR REPEALING PART OF AN ORDINANCE PASSED THE TWENTY-SIXTH DAY OF MARCH, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FOUR, RELATIVE TO PORT ROYAL CAUSEWAY. No. 1364.

WHEREAS, by an Ordinance of the General Assembly, passed the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, all the male inhabitants from sixteen to sixty years of age, between Pocotaligo bridge and Combahee ferry, on the south-east side of the road leading to Saltcatcher ferry, were made liable to work on the causeway leading to Port Royal ferry, on the main side. And *whereas*, sundry inhabitants have by their petition to the Legislature, represented that the said clause is to them grievous and oppressive.

I. Be it therefore ordained, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said clause shall be, and is hereby, repealed. *Provided*, that the said inhabitants shall be still liable, as formerly, to open and keep in repair the public road leading to the said ferry.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND THE ACT RESPECTING THE HIGH-ROADS AND BRIDGES, PASSED THE TWENTY-SECOND OF MARCH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE; AND FOR LAYING OUT SEVERAL NEW ROADS, AND ESTABLISHING SUNDRY FERRIES, THEREIN MENTIONED. No. 1395.

WHEREAS, the mode of electing annually commissioners of the high-roads, has been found, from experience, to be attended with inconveniences.

I. Be it therefore enacted, by the Honorable the Senate and House of Representatives, and by the authority of the same, That on the first Monday in May next, between the hours of nine in the morning and four in the afternoon, the freeholders of the several parishes and districts, (except where county Courts are established, and then only such parts as may be within such county,) shall choose by ballot, a number of commissioners for the high-roads, private paths, bridges, causeways, passages and water courses, or for the several and respective divisions of the same, as has hitherto been required by law, or as has been usually appointed for the same. And the Representatives of the several parishes and districts, or

Commissioners
of roads, &c.
how to be
elected.

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a majority of them, are hereby authorized and required to appoint some person or persons for conducting the said election, and the most convenient place for holding the same, according to the several and respective divisions of the said high-roads, as have hitherto been established by law, and to give three weeks notice of such intended election; and the persons so to be elected, shall, and they are hereby declared to, be commissioners of the several high-roads, private paths, bridges, causeways, creeks and water courses, within their several parishes and districts.

In case the
districts fail to
elect.

II. *And be it further enacted* by the authority aforesaid, That if any parish or district shall neglect or refuse to appoint commissioners as aforesaid, that in such case, the representatives of the several parishes and districts shall, and they are hereby empowered to, appoint the aforesaid number of persons; which persons so appointed shall, and they are hereby declared to, be vested, to all intents and purposes, with the same powers and authorities, and subject to the same fines and penalties, as any other commissioner or commissioners appointed or to be elected by virtue of this Act; and if the representatives shall neglect to make such appointments, that then and in such case, they are hereby declared and constituted commissioners, until an election as aforesaid shall take place, and be vested with the same powers and authorities, and subject to the same fines and penalties, as above mentioned.

Penalty for
refusal to act.

III. *And be it further enacted* by the authority aforesaid, That if any person or persons, chosen by the freeholders as aforesaid, or appointed by the representatives, or the representatives while they are commissioners as aforesaid, shall refuse to act or neglect doing his or their duty as commissioners aforesaid, every such person shall forfeit the sum of ten pounds, to be recovered in a summary manner, on proof of such refusal or neglect, before one of the Judges of the Court of Common Pleas in Charleston, or at the Circuit Court of the district where the defaulter resides; and the money so recovered shall be paid to the acting commissioners of such parish or district, to be disposed of for repairing and keeping in repair the high-roads, bridges, causeways, creeks and water courses, as the said commissioners, or a majority of them, shall think fit.

Vacancies.

IV. *And be it further enacted* by the authority aforesaid, That if any vacancy shall happen among the commissioners appointed or to be elected or appointed by virtue of this Act, by refusal to act, death, removal out of the parish or district; or otherwise, the remaining commissioners, or a majority of them, shall choose by ballot, at their stated meetings hereafter mentioned, some fit person to fill up such vacancy; and the person so chosen is hereby declared to be a commissioner, and vested with the same powers and authorities, and subject to the same fines and penalties for refusal to act or neglect of duty; as any other commissioners whatever. *Provided*, that no person shall be compelled to act as a commissioner for more than three years in six.

Comm'rs. lia-
ble to serve 3
years.

V. *And be it further enacted* by the authority aforesaid, That all the commissioners appointed or to be elected or appointed by virtue of this Act, shall be, and they are hereby declared, liable to serve as commissioner or commissioners for the term of three years from the day of their election or appointment; and if at the expiration of three years, any commissioner should wish to decline acting, he shall give three months previous notice of such his intention to decline, and shall also nominate some person to be his successor; and the person so nominated shall, if approved of by a majority of the remaining commissioners, be deemed a commissioner for three

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years, in the room of the one so declining, and shall be vested with the same powers, and subject to the same penalties for refusal to act or neglect of duty, as any other commissioner hereby appointed or directed to be elected or appointed. And the commissioner so declining to act, shall not be liable to act again as commissioner until three years after such his declining, and if at the expiration of that time, he should be nominated and approved of as aforesaid, he shall be again liable to serve as a commissioner, in the same manner as if he had never before acted.

VI. *And be it further enacted* by the authority aforesaid, That all the commissioners appointed as aforesaid, shall meet to form a board of commissioners for their respective parishes and districts, at the parish church, or such other place as a majority of the commissioners shall think fit, except where it is otherwise directed by law, at least twice in a year, viz: on the first Mondays in April and August. And the said commissioners, or a majority of them, so met, are hereby authorized and required to lay out, make and keep in repair, all such high-roads, private paths, bridges, causeways and water courses, as have been or shall be established by law, as they shall judge necessary, in their several parishes and districts; and may divide the several parts of the said roads amongst the said commissioners, for the particular share of each or any of them, as to them shall seem most convenient and proper. And the said board of commissioners are hereby authorized to declare and ascertain, where the same is not ascertained by law, or where doubts may arise concerning the same, what inhabitants are liable to work on any road or part of a road in their respective parishes and districts; and to call on all the inhabitants within the same to make a return on oath of all male slaves, belonging to them or under their management and direction, from sixteen to fifty years of age, and who reside in such parish or district for the most part of the year, to such persons, at such place, and within such time, as they shall appoint; and the said commissioners, or any one of them, are hereby authorized to administer the following oath.

"I. A. B. do swear, (or affirm, as the case may be,) that the return now made by me of the number of male slaves from sixteen to fifty years of age, in the parish of _____, belonging to B. C. is true, according to the best of my knowledge."

And if any of the inhabitants shall neglect or refuse to make such return, the said commissioners, or any three of them, are hereby authorized to make an assessment on such defaulter, according to the best information they shall receive, of three pounds for every such male slave so refused or neglected to be returned; to be recovered by a warrant of distress from any three of the commissioners as aforesaid.

VII. *And be it further enacted* by the authority aforesaid, That the several commissioners, according to their several and respective divisions aforesaid, are hereby fully authorized and required, whenever they think it expedient and necessary, to summon, by six days previous notice, all the male inhabitants from sixteen to fifty years of age, within the divisions aforesaid, made liable by law, or by the board of commissioners, to work on the said high-roads, private paths, bridges, causeways, creeks and water courses. And if any person or persons shall refuse or neglect to go, or to send their male slaves, when thereunto summoned by the commissioners aforesaid, or by any person by them to be appointed, or any three of them, for that purpose, every such person shall forfeit and pay, for the use of the said roads and bridges, two dollars for himself, and one dollar per day

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for every male slave so neglected or refused to be sent; to be recovered by immediate warrant of distress, under the hand of any three of the commissioners, against any of the goods and chattels of the defaulter, which, after ten days public notice, shall be sold for the purpose of paying the fine aforesaid, and charges accruing thereon, and the overplus, if any, returned to such defaulter. *Provided*, that no white person or slave shall be liable to work on any road, path, bridge or causeway, for more than twelve days in one year. *Provided also*, that it shall and may be lawful for the said commissioners to exempt the domestic slaves employed as waiting men or house servants by any person, upon such person substituting in the room of every such slave so excepted, an able-bodied female slave, and making oath before the said commissioners, that they are not field slaves or other labourers whom they desire to screen from the operation of this law.

VIII. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, according to their several and respective divisions, shall have full power and authority to appoint proper persons to summon the inhabitants when they are to work upon the roads and bridges, and to levy executions on all defaulters. And if any person so appointed shall refuse to act, he shall forfeit a sum not exceeding ten pounds; to be recovered by warrant of distress, under the hands of any three of the commissioners; and the said commissioners are hereby authorized to appoint overseers on such roads or parts of roads, whilst the inhabitants are working on the same, as to them shall seem necessary and proper; and the overseers so appointed are hereby impowered moderately to correct all such male slaves as shall refuse or be negligent of their work. And if any white person shall neglect or refuse to work, or to do his duty when in place, the said overseer shall return the name of such white person to the commissioners, who are hereby authorized to fine the said person two dollars for the first fault, and ten dollars if repeated, and on non-payment of the same, to be immediately committed to the goal of the district where the offender resides, there to remain for ten days, or until the fine be paid; and if any person shall refuse to act as an overseer, not giving a sufficient reason for such refusal, every such person shall forfeit the sum of three pounds, to be recovered by warrant of distress from any three of the commissioners.

Penalty for
obstructing
roads, &c.

IX. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, according to their respective divisions, shall have full power to cut down and make use of any timber, wood, earth or stone, in or near the said high-roads, private paths, bridges, creeks and water courses, for the purpose of making or repairing the same, as to them shall seem necessary. And if any person or persons, by themselves, slaves or servants, shall, by any ways or means, hinder, forbid or oppose the said commissioners, their servants or workmen, from cutting down or making use of any timber, wood, stones or earth, in or near the said roads or bridges; for the purpose of making or repairing the same, or shall in any manner stop up or obstruct the passage on the said roads or paths laid out by the commissioners aforesaid, or shall hinder, forbid or threaten any traveller from travelling the said roads, every such person, for every such offence, shall forfeit the sum of twenty pounds, to be recovered by a summary process, before any one of the judges at the court of common pleas; in Charleston; or at any of the circuit courts in the district

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where the offence was committed or where the offender resides ; the money to be disposed of for the use of such roads, paths or bridges.

X. *And be it further enacted* by the authority aforesaid, That all and every the respective boards of commissioners, within their several parishes and districts, shall have full power, and are hereby authorized, to agree with any person or persons to undertake the building any bridges they think fit, and to levy such sum or sums of money for defraying the charges of the same, by an assessment, in equal proportion, on all the males, from sixteen to fifty years of age, in their several parishes and districts. And where any river or creek lies between two parishes or districts, and either of the said parishes or districts shall desire a bridge to be built over such river or creek for the convenience of the inhabitants, the commissioners of both the said parishes or districts are hereby authorized and required to meet and assess and levy for the same, rateably and proportionably, on all the male inhabitants, from sixteen to fifty years of age, of both such parishes or districts; and the inhabitants of both the said parishes or districts, shall likewise, from time to time, keep in repair all such bridges lying between them as aforesaid; *provided*, nothing herein contained shall extend, or be construed to extend, to any of the toll bridges already established by law, or may be hereafter established. Bridge between two parishes.

XI. *And be it further enacted* by the authority aforesaid, That if any person or persons shall wantonly or wilfully injure or destroy any bridge or bridges built as aforesaid, or any toll bridge or causeway established or to be established by law, every such person or persons, on indictment and conviction of the same, at the court of general sessions in the district where the offence was committed, shall be subject to such fine and imprisonment as either the said courts shall direct. Penalty for injuring bridges.

XII. And for the prevention of injury to bridges by vessels, boats and rafts passing under them, *Be it enacted* by the authority aforesaid, That all vessels, boats and rafts, passing under any bridge, shall, before they come to the same, drop anchor and drag through under the same; and if any vessel, boat or raft, shall pass or attempt to pass under any bridge without dragging as aforesaid, every such vessel, boat or raft, shall forfeit the sum of ten pounds, to be recovered by immediate seizure and detention of the said vessel, boat or raft, until the payment of the said sum, by warrant from one of the commissioners for the said bridge, or by the person or persons to whom the commissioners aforesaid might have leased the same, or by information being given of the same to one of the judges of the court of common pleas in Charleston, or in the district or county court where the offence was committed; the money, when so recovered, to be applied for rebuilding or keeping in repair such bridge.

XIII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall at any time stop up, alter or do any manner of damage, by stopping of water, or any otherwise, to any of the high-roads, private paths, bridges or water courses, which have been or shall be laid out by the commissioners, every person or persons so offending, shall be summoned and required by the said commissioners of that part or precinct where the fault was committed, forthwith to amend, repair and clear the same; and in case of their refusal or neglect, shall be fined in any sum not exceeding five pounds, for each time the commissioners shall give said person so offending notice to amend, repair and clear them, allowing three days between each notice; and on non-payment, to issue an immediate warrant of distress against the goods and chattels of the said defaulter, Penalty for injuring roads.

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and after ten days public notice, to sell the same for paying the fine aforesaid, and the charges accruing thereon, returning the overplus, if any, to the said defaulter.

Shade trees to
roads.

XIV. *And be it further enacted* by the authority aforesaid, That when any road shall be laid out, altered or mended, the commissioners of such road shall, if they think fit, give directions for leaving such trees standing as shall be most convenient for shade to the said road; and if any person shall wilfully or wantonly cut down or kill any tree growing within ten feet of the road laid out as aforesaid, every such person shall, for each tree so cut down or killed, forfeit the sum of five pounds, to be recovered by warrant from any three of the commissioners.

Rates of toll to
be posted.

XV. *And be it further enacted* by the authority aforesaid, That every person or persons, their heirs or assigns, in whom public ferries, toll bridges or causeways have been or shall be vested by law, every such person or persons shall keep fixed up in some public place, the several rates as established or authorized by law. And if any person or persons, their heirs or assigns, in whom public ferries, toll bridges or causeways have been vested, shall ask or demand more than the rates fixed or authorized by law, every such person or persons shall forfeit treble such rates, to be recovered by warrant and execution from any neighbouring magistrate.

Penalty for
delay at ferries,
&c.

XVI. *And be it further enacted* by the authority aforesaid, That if any person or persons shall meet with unnecessary delay at any of the public ferries, toll bridges or causeways established by law, every such person or persons may recover from the persons keeping such ferry, bridge or causeway, for every hour of such unnecessary delay, the sum of forty shillings, to be recovered, on application from the party aggrieved, by warrant and execution from any neighbouring magistrate.

Magistrates
vested with
power, &c.

XVII. *And be it further enacted* by the authority aforesaid, That the magistrates of the several county courts are hereby vested with the same powers and authorities respecting the high-roads and bridges within their several counties, and subject to the same penalties for neglect of duty, as any commissioners appointed, or to be elected or appointed, by virtue of this Act.

Bridge over
Pon Pon.

XVIII. *And be it further enacted* by the authority aforesaid, That the commissioners of Saint Paul's and Saint Bartholomew's parish, or a majority of each of them, are hereby authorized to meet, as soon as may be, and to agree with any person or persons to undertake the building and keeping in repair a bridge over Pon Pon river, at Jacksonborough, and to erect a house for a toll collector, on any land most contiguous or convenient thereto, and to lease out the same on toll, for a number of years, not exceeding twenty-one years, affixing the rates of such toll.

Lynch's
causeway.

XIX. *And be it further enacted* by the authority aforesaid, That five commissioners, to be annually appointed by his Excellency the Governor, or the Commander-in-chief for the time being, or a majority of them, shall contract, for any term not exceeding fourteen years, with one or more fit and proper persons, to keep in good and substantial repair the causeway known by the name of Lynch's causeway, on the road leading from Charleston to Georgetown; and that the said commissioners, or a majority of them, shall superintend the said person or persons so contracting, to whom they shall allow a sufficient toll on the said causeway, as a compensation for their trouble and labour in repairing and keeping the same in good and substantial repair.

XX. *And be it further enacted* by the authority aforesaid, That if any

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of the said commissioners shall refuse to act under the appointment aforesaid, he shall be subject to the fines and penalties imposed on commissioners, as hereinbefore mentioned.

XXI. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from Purysburgh to Quince's Hill, on the waters of Savannah river, and from thence continued to where it intersects the road from the Two Sisters; and that the magistrates of the county of Lincoln are hereby authorized to lay out the same, and declare what inhabitants on the south-west side of the said road and within half a mile of the north-east side are liable to work on the same; and the inhabitants so made liable are hereby exempt from working on the road from Purysburgh to Bee's creek.

Road from Purysburgh to Quince's Hill.

XXII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from the Long Cane road, near Hard Labour creek, the nearest and best way to Abbeville county court house, and from thence the nearest and best way to the place where Fort Rutledge formerly stood; and the magistrates of the county court of Abbeville are hereby authorized to lay out, make and keep the same in repair, and to declare what male inhabitants from sixteen to fifty years, within six miles of the said road, are liable to work on the same.

From Long Cane road to Abbeville C.H.

XXIII. *And whereas*, doubts have arisen to what parish the inhabitants living on the north-east side of the Four Hole swamp, from the mouth of Dean's swamp down to the Four Hole swamp aforesaid, to the plantation commonly called Izard's Cowpen, belong, whereby many of them have evaded working on the high-roads. *Therefore, be it enacted* by the authority aforesaid, That the inhabitants aforesaid shall henceforth be deemed to belong to the parish of Saint George Dorchester, and shall be liable to be called on by the commissioners of the high-roads in the said parish, to work on the high-roads and bridges, in the same manner as any other inhabitant of the said parish.

XXIV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from the lower bridge on Black river, to Lenuud's ferry, on Santee; and that Captain William Frierson; Gavin Witherspoon, Esq., Peter Lequeux and Abraham Perret, shall be, and are hereby appointed, commissioners to lay out; and to call on such inhabitants as are liable to work on the same.

Road to Lenuud's ferry.

XXV. *And whereas*, James Hampden Thomson, executor of the late William Williamson, deceased, in behalf of William Williamson, a minor, hath presented his petition, setting forth that the ferry called the Two Sisters, on Savannah river, was vested in the aforesaid William Williamson, now deceased, for fourteen years, which term is now expired, and praying that the said ferry might be again vested in William Williamson, a minor. *Be it therefore enacted* by the authority aforesaid, That the said ferry shall be, and is hereby, vested in the said William Williamson, for the term of fourteen years, and from thence until the further determination of the Legislature.

Ferry, at Two Sisters.

XXVI. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, the most convenient and best way, from the widow Williams's Ford, on Great Saltcatcher, in Orangeburgh district, to the Buck Head Ford, on Little Saltcatcher, at or near Mr. Linning's plantation, formerly settled and known by the name of the old Ford; from thence to Captain John North's back dam, on Island creek; and from

Road from Williams's Ford to Horse-shoe causeway.

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thence to Horse-shoe causeway ; and that the commissioners of the high-roads in Saint Bartholomew's parish, be directed to lay out the same.

From Santee
road to Stead's
bridge.

XXVII. *And be it further enacted* by the authority aforesaid, That the commissioners of the high-roads for the parishes of Saint James Santee, Christ Church, and St. Thomas and St. Dennis, are hereby empowered to lay out and establish a public road, leading from the Santee road above Ovendaw bridge, between the sixteen and thirteen mile post, to Stead's bridge ; and from thence the most convenient way to intersect the Cane-hoy road.

Road and ferry
over Stevens's
Creek.

XXVIII. *And be it further enacted* by the authority aforesaid, That the road leading from the White Ponds, up Savannah river, towards Fort Charlotte, shall be made to cross Steven's creek, at the land of Shadrack Rosier ; and that the inhabitants who were obliged to work on the former road, which crosses at Hity's ford, on said creek, shall be obliged to work on the same ; and that a ferry be established and vested in the said Shadrack Rosier, his heirs and assigns, for the term of fourteen years ; and the said Shadrack Rosier shall be entitled to take and receive the following ferriage, and no other :—for a foot passenger, two pence, sterling ; a horse, two pence, sterling ; for a chaise or cart, six pence, sterling ; a loaded chair or cart, nine pence, sterling ; a wagon, or other four wheeled carriage, two shillings, sterling ; every head of black cattle, two pence, sterling ; every head of sheep or hogs, ferried over, one penny, sterling. *Provided nevertheless*, that it shall and may be lawful for any person or persons travelling with any carriage, horses, cattle, sheep or hogs, to pass said creek when fordable, without ferrying over, in which case such person or persons shall not be liable to pay any ferriage whatever. And the said Shadrack Rosier, his heirs and assigns, shall be under the same penalties and restrictions, with regard to keeping of flats and giving attendance, as are prescribed by this or any former laws for establishing ferries within this State.

Road from An-
derson's ferry
to Grigaby's.

XXIX. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out from Anderson's ferry, on Great Saluda, to Mr. Enoch Grigaby's ; and from thence to Captain Butler's ; and from thence, to intersect the road leading from the Juniper to Orangeburgh ; and that Thomas Fairchild, James Frederick, James Bruce, William Abney, Solomon Pope, Thomas Lozier, Robert Allen and John Frederick, be appointed commissioners of the same.

Wort's ferry.

XXX. *And be it further enacted* by the authority aforesaid, That the ferry formerly called Wort's ferry, over Edisto river, shall be, and is hereby declared to be, a public ferry, and vested in Philip Givhan, for fourteen years, who shall be entitled to take the following ferriage, and no other :—foot passengers, two pence ; horse, two pence ; a chaise or cart, six pence ; a loaded chair or cart, nine pence ; a wagon, or other four wheel carriage, two shillings ; every head of black cattle, two pence ; every head of hogs or sheep, one penny.

Sundry roads
established.

XXXI. *And be it further enacted* by the authority aforesaid, That a public road be laid out and kept in repair from Cochran's Hill to Givhan's ferry, and that Philip Givhan, Lewis Ogier and Job Perry, are hereby appointed commissioners of the same. And that a public road be laid out and kept in repair, from Cochran's Hill to the Beech Hill road, nearly opposite to the Cane Acre road ; and that John Glaze, Esquire, Thomas Waring, of Pine Hill, and Daniel Stewart, are hereby appointed commissioners of the same. And that a public road be laid out and kept in

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repair, from the aforesaid Givhan's ferry to Red Bank creek; and that Joseph Koger, Richard Sleigh and William Sleigh, are hereby appointed commissioners of the same. And that a public road be laid out and kept in repair from the said Red Bank creek to the district line of Orangeburgh; and that Andrew Cunningham, Edward Robertson and Solomon Gray, are hereby appointed commissioners of the same. And that a public road be laid out and kept in repair from the said district line to Sykes's creek; and that James Lytton Richards, Henry Peoples and James Fair, are hereby appointed commissioners of the same. And that a public road be laid out and kept in repair from Sykes's creek to the district lines of Orangeburgh and Ninety-Six; and that Leven Collins, Benjamin Odom, Senior, and Joseph Turner, are hereby appointed commissioners of the same.

XXXII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across the river Congaree, at the plantation of Francis Goodwyn, where a ferry was formerly kept, by the name of Horseman's ferry; and that the said ferry shall be, and is hereby, vested in the said Francis Goodwyn, his heirs, executors, administrators and assigns, for and during the term of fourteen years; and that it shall and may be lawful for the said Francis Goodwyn, his heirs, executors, administrators and assigns, to demand and receive the following rates, viz.—a foot passenger or single horse, two pence; a man and horse, four pence; a wagon and team, and all other four wheeled carriages, three shillings and six pence; two wheeled carriages and horses, one shilling and nine pence; a rolling hogshead and horses, one shilling and six pence; every head of neat cattle, ferried or swam, two pence; every head of sheep, goats or hogs, one penny.

Ferry over
Congaree, at
Goodwyn's.

XXXIII. *And be it further enacted* by the authority aforesaid, That the said Francis Goodwyn, his heirs, executors, administrators or assigns, shall always, during the said term of fourteen years, keep and maintain a sufficient boat or boats, and other things necessary for transporting passengers, their servants, carriages, horses, hogsheads, cattle, sheep, goats and hogs, as well by night as by day. And also, that a public road shall be immediately laid out and opened, on the north side of the river from said ferry, by the best and most direct way, and least detrimental to the lands through which it may pass, by Thomas Brown's plantation to the public road leading to Columbia and Winnsborough. And that Francis Goodwyn, Captain William Goodwyn, and John Hopkins, or a majority of them, are hereby constituted and appointed commissioners for laying out and completing said road. And also, that a public road on the south side of the river, be laid out, opened and completed, by the shortest and most convenient way, into the Congaree road; and from thence, by the nearest and most convenient route, to Orangeburgh. And Joseph Culpeper, Lewellin Threewits, and Henry Geiger, or a majority of them, are hereby constituted and appointed commissioners for laying out and completing said roads. All which roads, when completed, shall be under the future directions of the justices of the county courts where said roads are respectively situated. And all the male inhabitants and slaves, from the age of sixteen to fifty years of age, living within six miles of said roads, shall be, and they are hereby declared to be, obliged to work on said roads.

Roads thereto.

XXXIV. *And be it further enacted* by the authority aforesaid, That five commissioners be annually appointed by his Excellency the Governor or Commander-in-chief for the time being, and the said commissioners, or a

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*Acts relating to Roads, Bridges and Ferries.*Bridge over
Cypress
Swamp.

majority of them, shall contract, for any term not exceeding twenty-one years, with one or more persons to erect and keep in good and substantial repair, a bridge or ferry and causeway over the Cypress Swamp, near the Four Holes; and the said commissioners shall superintend the same, and be vested with similar powers, and subject to the same fines and penalties, as other commissioners appointed by this Act. And the person or persons so contracted with, his heirs, executors, administrators and assigns, shall be entitled, as a compensation, to the following toll or prices, viz:—for every loaded wagon, one shillings and six pence; every man and horse, four pence; every hogshead of tobacco, rolled over, six pence; for every cart, coach and chair, one shilling; every single horse, two pence; every head of black cattle, two pence; every head of sheep, goats and hogs, one penny; every foot passenger, one penny.

Howell's ferry. XXXV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established on the Congaree river, from lands belonging to Thomas Howell, on both sides of the river; and that the said ferry shall be vested in the said Thomas Howell, his heirs and assigns, for and during the term of fourteen years. And that the rates of ferriage be as followeth, viz:—for a foot passenger, two pence; for a man and horse, four pence; for a wagon and team, and all other four wheeled carriages, three shillings and six pence; for all two wheeled carriages and horses, one shilling and nine pence; for each rolling hogshead and horses, one shilling and six pence; for every head of cattle, ferried or swam, two pence; for every head of sheep, goats and hogs, one penny. And the said Thomas Howell, his heirs and assigns, shall constantly, during the said term of fourteen years, keep and maintain at the said ferry, good and sufficient boats, and other necessaries for transporting passengers, their servants, carriages, horses, hogsheads, cattle, sheep, goats and hogs, as well by night as by day. And also, that Richard Hampton, John James Haig, John Kennerly, Jacob Richmond, Joseph Culpepper, John Westcot, and John Seawright, be, and they are hereby appointed, commissioners to lay out a public road, on the west side of Congaree river, leading the nearest way from Howell's ferry to Beaver Creek; and that the slaves of Thomas Howell be liable to work on the said road as far as through the swamp; and which hands shall not be liable to work on the north side of the river.

Roads there-
from.

XXXVI. *And be it further enacted* by the authority aforesaid, That Arthur Brown Ross, William Myers, James Taylor, Timothy Rives, Wade Hampton, and Richard Brown, be, and they are hereby appointed, commissioners to keep in good repair the public road on the east side of Congaree river, leading from Howell's ferry to Columbia. And also, another public road leading from the said ferry to Winnsborough.

Ferry over Sa-
luda at Rocky
creek.

XXXVII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, that a public ferry shall be, and is hereby, established over Saluda river, at the mouth of Rocky Creek, where the district line crosses said river; and that the said ferry shall be, and is hereby, vested in Philemon Waters, son of Thomas, for and during the term of fourteen years. And that it shall and may be lawful for the said Philemon Waters, his heirs, executors, administrators or assigns, to take and receive the following rates, and no other, that is to say:—for each foot passenger, two pence; for a man and horse, four pence; for each rolling hogshead, one shilling; for a loaded wagon, or other four wheeled carriage, two shillings; for a chair and horse, one shilling; for a

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cart and one horse, one shilling; for every head of black cattle, hogs, sheep or goats, ferried or swam over, one penny per head.

XXXVIII. *And be it further enacted* by the authority aforesaid, That on the south side of Saluda river a road be established, from a place known by the name of Weaver's old field, to the said Waters's ferry. And that Philip Hook, William Beales, and Benjamin Inman, be, and they are hereby appointed, commissioners to lay out the same. And that all the male inhabitants from sixteen to fifty years of age, residing within ten miles of the said road, be compelled to work on the same. Roads thereto.

XXXIX. *And be it further enacted* by the authority aforesaid, That a road be established, on the north side of Saluda river aforesaid, from the said ferry, to intersect a road leading from Lee's ferry to Bush river, near the five miles spring. And that Levy Manning, Esquire, William Robinson, and Allen Burton, be, and are hereby appointed, commissioners to lay out and keep in repair the said road. And that all the male inhabitants, from sixteen to fifty years of age, residing within six miles of the said road, be compelled to work on the same.

XL. *And be it further enacted* by the authority aforesaid, That the said Philemon Waters, his heirs and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry boat, with one or more able-bodied men to attend the said ferry, as well by night as by day, for transporting passengers, their servants, carriages, horses, cattle, sheep, hogs and tobacco.

XLI. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry or ferry boat within three miles of the ferry hereby established on Saluda river, during the term that the said ferry is vested in the aforesaid Philemon Waters, his heirs and assigns.

XLII. *And whereas*, a ferry over Saluda river was established [and vested] in Philemon Waters, Sen., and his heirs and assigns, in the year one thousand seven hundred and eighty six, but no roads leading thereto having been laid out, *Be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a road be established, from or near the widow West's, on the Ninety-Six road, to the said Philemon Waters's ferry. And that Jacob Pope, Nathan Melton, and William Boram, be, and they are hereby appointed, commissioners to lay out the said road and keep the same in repair. And that all the male inhabitants, from sixteen to fifty years of age, residing within eight miles of the said road, shall be compelled to work on the same.

XLIII. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry or ferry boat within three miles of the ferry aforesaid, during the time the said ferry is vested in the said Philemon Waters.

XLIV. *And whereas*, a ferry was vested in Joseph Kennerly, in the year one thousand seven hundred and eighty-four, at a place known by the name of Weaver's Ferry, on Saluda river, in trust for the heirs of Jacob Geiger, deceased, for the term of fourteen years. *Be it therefore enacted* by the authority aforesaid, That from and immediately after the passing of this Act, no ferry or ferry boat shall be kept between the said Kennerly's ferry and Koll's ferry, up the said river, nor within three miles below the said ferry. *Provided, nevertheless*, that nothing herein contained shall be construed to prohibit Godfrey Dryer from keeping a boat for the use of his mills, and carrying passengers, who have real business at his mill, and Kennerly's ferry.

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their horses and carriages, to and from his mill, and for no purpose or any other pretence whatever.

Road from
White Hall to
Augusta.

XLV. *And be it further enacted* by the authority aforesaid, That a road shall be opened, by and under the direction of the courts of the counties of Abbeville and Edgefield, twenty-five feet wide, and leading, the nearest and best way, from White Hall, in the county of Abbeville, to proceed near Samuel Anderson's, on Cuffee Town; from thence to Charles Williams's, on Turkey Creek; from thence to John Thurman's, on the Beaver Dam; from thence near Charles Martin's, on Horn's Creek; from thence to Seth Howard's, on Chaver's Creek; and from thence, the most convenient way, to the ware-house opposite the town of Augusta. And that Robert Anderson, John Thurman, Seth Howard, James Hargrave, and Fields Pardue, be commissioners for opening the said road.

XLVI. *And be it further enacted* by the authority aforesaid, That all the male inhabitants and male slaves, above the age of sixteen years and under the age of fifty, residing within five miles of the said road, and not obliged to work on any other, shall, and they are hereby directed to, open and keep in repair the said public road.

Ferry over Sa-
vannah, at the
Range.

XLVII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over Savannah river, at a place called the Range; and that the said ferry be vested in John Middleton, for the term of fourteen years. And that it shall and may be lawful for the said John Middleton, his heirs, executors, administrators or assigns, to take and receive the following rates, and no other, that is to say:—for a foot passenger, three pence; for man and horse, four pence; for a loaded wagon and team, three shillings and six pence; for an empty wagon and team, or any four wheeled carriage, two shillings and four pence; for a cart or any two wheeled carriage, with two horses, one shilling and two pence; for a rolling hogshead and two horses, one shilling and two pence; for every head of cattle, ferried or swam, one penny; for sheep, hogs or goats, ferried or swam, one penny.

XLVIII. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry or ferry boat within three miles of the ferry hereby established on Savannah river, during the term that the said ferry is vested in the aforesaid John Middleton, his heirs or assigns.

Ferry over
Wateree, at
Chesnut's.

XLIX. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established over the Wateree river, at the plantation of John Chesnut, near Knight's Hill, in the district of Camden; and that the said ferry shall be, and is hereby, vested in the said John Chesnut, his executors, administrators and assigns, for and during the term of fourteen years. And that it shall and may be lawful for the said John Chesnut, his executors, administrators and assigns, to take and receive the following, and no other rates, viz:—for a man and horse, four pence; for a foot passenger, two pence; for a wagon and team, three shillings and six pence; for a rolling hogshead and horse, one shilling and six pence; for a two wheeled carriage and horse, two shillings and four pence; for every head of cattle or horses, ferried or swam over, three pence; for every head of sheep, hogs or goats, three pence.

L. *And be it further enacted* by the authority aforesaid, That Benjamin Harraldson, Valentine Rowel, Stephen Gibson, Goodman Bathea, and Phillip Bathea, be appointed commissioners for clearing Little Peedee,

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from the mouth of Drowning Creek to Gibson's. And that Tristram Thomas, Esquire, James McCoy, William Legit, Thomas Ammons, Wm. Easterling, Esquire, and Jesse Bathea, be commissioners for clearing said river, from Gibson's to the mouth of Gum Swamp. And that all the male inhabitants, within six miles of the said river, shall be liable to work on the same.

Little Peedee
to be cleared.

LI. *And be it further enacted* by the authority aforesaid, That Calvin Spencer, Esquire, Robert Paislay, William Lyons, and George Strother, are hereby appointed commissioners for opening the navigation of Thompson's Creek, from the mouth thereof to the road leading from the Cheraw Hill to Camden. And that all the male inhabitants within six miles of said Creek, shall be liable to work on the same. And that all the male inhabitants within two miles of said creek, shall be exempted from working on the river Peedee.

Thompson's
creek.

LII. *And be it further enacted* by the authority aforesaid, That the aforesaid commissioners are hereby vested with such powers and authority as have been, by any law of this State, granted to commissioners for clearing any inland navigation within the same; and the inhabitants made liable to pay two dollars for every day they shall neglect or refuse to work and send their male slaves, when duly summoned by the said commissioners.

Powers of
Comm'rs.

LIII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall be sued for any thing done in pursuance of this Act, it shall and may be lawful for such person or persons to plead the general issue and give this Act and the special matter in evidence. And in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

General issue
may be plead-
ed.

In the Senate House, the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ORDINANCE FOR THE BETTER ESTABLISHING OF HUGER'S FERRY, No. 1406.
ON THE CONGAREE RIVER.

WHEREAS, Isaac Huger, in whom a ferry is by law vested on the river Congaree, hath with great labour and expence erected a causeway and sundry bridges over the swamp, and opened all the roads leading to the said ferry, without any assistance from the inhabitants or other person; and as it is but reasonable that the emoluments thereof should be secured to him—

I. *Be it ordained*, by the Honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same; That no private ferry shall be kept within seven miles of said ferry; and if

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any person shall keep any private ferry, or shall for reward put over the said river any person, horse, carriage, cattle or stock, or any thing else whatsoever, within the said distance of seven miles from the said ferry, the person so offending shall, for every person, beast or thing so put over, forfeit and pay the sum of twenty shillings, for the use of the person who shall sue within one year for the same. *Provided*, nothing herein contained shall extend, or be construed to extend, to prevent or make liable to any penalty, any person or persons possessed of lands contiguous to the said river, from crossing the same, at all times, in their own private flats or boats, or when the said Huger's ferry shall be impassable.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1407. AN ORDINANCE FOR ESTABLISHING A FERRY NEAR ROCKY CREEK, ON THE CATAWBA RIVER, AND VESTING THE SAID FERRY IN THE COMPANY FOR OPENING THE NAVIGATION OF THE CATAWBA AND WATEREE RIVERS.

I. *Be it ordained*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after passing this Ordinance, a public ferry shall be established near Rocky creek, that is to say, about a mile and an half below the said creek, on the Catawba river; and that the said ferry shall be, and the same is hereby, vested in the company for opening the navigation of the Catawba and Waterree rivers, for the term of twenty-one years. That the said company may receive and take, during the said term, the following rates of ferriage, that is to say, for every man and horse, five pence; for a foot passenger, two pence; for a wagon and team, three shillings and six pence; for a rolling hogshead, one shilling and six pence; for a two wheeled carriage and horse, two shillings and four pence; for every head of cattle, ferried or swam, three pence; for every head of sheep, hogs or goats, two pence. And that the said company shall, during the said term, keep good and sufficient boats for transporting passengers, their servants, carriages and horses, and all cattle, sheep, hogs, goats and rolling hogsheads, as well by night as by day.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

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AN ACT TO AUTHORIZE MATHIAS LIVERMAN TO ERECT BRIDGES OVER
SALTKECHER RIVER, AT OR NEAR WILLIAMS'S FORD, AND TO VEST
A TOLL, TO BE COLLECTED AT THE SAID BRIDGES, IN THE SAID
MATHIAS LIVERMAN, FOR A TERM THEREIN MENTIONED. No. 1430.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That immediately after the passing of this Act, it shall and may be lawful for Mathias Liverman to build and keep in good repair, good and sufficient bridges over the Saltketcher river, at or near the place commonly called Williams's Ford, and to levy, take, and recover from all persons passing over the said bridges, such toll as shall or may be limited from time to time by the justices of the County Courts of Winton county.

II. *And be it further enacted* by the authority aforesaid, That the said toll bridges, by this Act permitted to be built, and the toll, profits and emoluments permitted to be taken at the same bridges, shall be, and the same are hereby, vested in the said Mathias Liverman, his heirs, executors, administrators and assigns, for the term of fourteen years from the passing of this Act.

III. *And be it further enacted* by the authority aforesaid; That it shall not be lawful for any person or persons to keep any ferry, or ferry any person or persons over the said river for hire, or build any bridges over the said river, to the prejudice of the said bridges, within three miles of the bridges vested in the said Mathias Liverman by virtue of this Act.

In the Senate, Tuesday the fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, and in the thirteenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT FOR LAYING OUT CERTAIN ROADS AND ESTABLISHING CERTAIN FERRIES, AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1457.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a public road shall be laid out from Joseph Kennerly and Guykoliyster's road, by a branch in the fork between Broad and Saluda rivers. And that a public ferry be established at the plantation of Andrew Kelly, on the north side of Saluda river, and shall be vested in the said Andrew Kelly, his heirs and assigns; for the term of fourteen years; and that it shall and may be lawful for the said Andrew Kelly, his heirs, executors, administrators or assigns, to take and receive the following rates for ferriage, and no other, viz:—for each foot passenger, two pence; for a man and horse, four pence; for each rolling hogshead, one shilling; for a loaded wagon and team, or other four wheeled carriage, two shillings; Road.
Kelly's ferry.

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for a chair, or cart and one horse, one shilling; for every head of black cattle, hogs, sheep or goats, ferried or swam over the said river, two pence.

II. *And be it further enacted* by the authority aforesaid, That a public Nettle's ferry. ferry shall be, and is hereby, established on Lynch's creek, at the mouth of Sparrow's swamp, on the lands belonging to Robert Nettles, Jr., on both sides of said creek; and that the said ferry be vested in the said Robert Nettles, his heirs and assigns, for and during the term of fourteen years; and that it shall and may be lawful for the said Robert Nettles, Jr., his heirs, executors, administrators and assigns, to take and receive the following rates of ferriage, and no other, viz:—for each foot passenger, two pence; for each horse, ferried or swam, two pence; for a man and horse, three pence; for a rolling hogshead and team, one shilling and two pence; for a loaded wagon and team, or other four wheeled carriage, two shillings; for a chair or cart and one horse, one shilling and two pence; for each head of black cattle, hogs, sheep or goats, ferried or swam over said creek, one penny.

III. *And be it further enacted* by the authority aforesaid, That the said Robert Nettles, his heirs and assigns, shall always, during the said term of fourteen years, keep and maintain a good and sufficient ferry boat, with one or more able-bodied men to attend the said ferry, for transporting passengers, their servants, horses, carriages, cattle, sheep, hogs and tobacco.

IV. *And be it further enacted* by the authority aforesaid, That a public Road. road shall be laid out from Marlborough court-house, across Little Peedee, at Sweney's bluff, and from thence to M'Intire's mill, on Leet's creek, to meet a road leading from Fayetteville to that place.

V. *And be it further enacted* by the authority aforesaid, That the public Road altered. road leading through the plantation of William Thomas, of Marlborough county, shall be altered and turned to the right in going upwards between Husband and Hick's creek, so as to cross the said Hick's creek above the distillery of Morgan Brown, Esq., thence across White's creek, on the mill dam of the said William Thomas, and from thence continued until it intersects the road above the dwelling house of Philemon Thomas; and that the said William Thomas and Morgan Brown be appointed commissioners to lay out the said road according to the above Act.

VI. *And whereas*, sundry inhabitants of Peedee and other parts of St. David's parish, have petitioned the Legislature to nominate and appoint commissioners to lay out, make and keep in repair, the road from Lynch's Road from creek to Murray's ferry. Lynch's creek to Murray's ferry. ferry. *Be it therefore enacted* by the authority aforesaid, that Samuel Mathis, Needham Lee, Henry Mouzon, John Robinson, and Dr. John Graham, be, and they are hereby appointed, commissioners for laying out and keeping in repair the said road from Lynch's creek, until it falls in with the road leading down the north side of Black river; and they are hereby vested with all the powers and authorities, and shall be subject to the same penalties, as the commissioners of high-roads in this State are by law vested with or liable to.

VII. *And be it further enacted* by the authority aforesaid, That so much of the first clause for opening and improving the navigation of Lynch's creek, as exempts the inhabitants residing on the north side of said creek, from the fork thereof to Witherspoon's ferry, from working on any road whatever, be, and is hereby, repealed.

VIII. *And be it further enacted* by the authority aforesaid, That William

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Pegues, Morgan Brown, Holden Wade, Tristram Thomas, Alexander McIntosh, Moses Pierson, Nathaniel Sander, and Richard Brockington, be, ^{Peedee to be cleared.} and they are hereby appointed, commissioners for opening and improving the navigation of Great Peedee river, from the North Carolina line down to the mouth of Black creek, and vested with all the powers and authorities which are given by an Ordinance entitled "An Ordinance for clearing Edisto, Wateree, Great and Little Peedee, Broad and Saltcatcher rivers," passed the twenty-fourth day of March, one thousand seven hundred and eighty-five.

IX. *And be it further enacted* by the authority aforesaid, That Moses Murphy, John McRe, William Wilson, Gaven Witherspoon, John Thomson Greene, John Witherspoon, John Dozier, and James Baxter, be, and they are hereby appointed, commissioners for opening and improving the navigation of Great Peedee river, from the mouth of Black creek down to Euhaney, and vested with the same powers and authorities which are given by an Ordinance entitled "An Ordinance for clearing Edisto, Wateree, Great and Little Peedee, Broad and Saltcatcher rivers," passed the twenty-fourth day of March, one thousand seven hundred and eighty-five.

X. *And be it further enacted* by the authority aforesaid, That so much of the before recited Ordinance as relates to the appointing of commissioners for improving the navigation of Great Peedee, be, and the same is hereby, repealed. *Provided*, that nothing herein contained shall be construed so as to interrupt the operation of the law for opening and improving the navigation of Lynch's and Black creeks, and Little Peedee river.

XI. *And be it further enacted* by the authority aforesaid, That the ferry on Broad river, on lands formerly belonging to Martain Shirer, on ^{Strother's ferry.} both sides of the said river, but now the property of Richard Strother, be, and is hereby, re-established, and vested in the said Richard Strother, his heirs and assigns, for the space of fourteen years; and it shall and may be lawful for the said Richard Strother, his heirs, executors, administrators and assigns, to take and receive the following rates for ferriage, and no other, viz:—for a foot passenger, two pence; for a horse, ferried or swam, two pence; for a man and horse, four pence; for a chair and horse, one shilling and two pence; for a cart and horse, one shilling and two pence; for an empty wagon, or other four wheeled carriage, one shilling and ten pence; for a loaded wagon and team, or other four wheeled carriage, two shillings and four pence; for a rolling hogshead and two horses, one shilling and two pence; for every head of black cattle, ferried or swam, two pence; for every head of sheep or hogs, ferried or swam, one penny.

XII. *And be it further enacted* by the authority aforesaid, That no person or persons shall keep a ferry or ferry boat within four miles of the ferry hereby re-established on Broad river, during the term that the said ferry is vested in the said Richard Strother, his heirs and assigns.

XIII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Saluda river, on the north side ^{Tate's ferry.} thereof, on the lands of Robert Tate, opposite the crossing place called the Old Town. And that said ferry shall be, and is hereby, vested in the said Robert Tate, his heirs and assigns, for and during the term of fourteen years; and that it shall and may be lawful for the said Robert Tate, his heirs, executors, administrators and assigns, to take and receive the following rates of ferriage, and no more, viz:—for each foot passenger, two pence; for each horse, ferried or swam, two pence; for a man and horse, four pence; for a rolling hogshead and two horses, one shilling; for a loaded wagon and team, or other four wheeled carriage, two shillings; for

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a chair or cart and one horse, one shilling; for each head of cattle, ferried or swam, one penny; for each head of sheep, hogs or goats, ferried or swam, one penny.

Kolb's ferry.

XIV. *And be it further enacted* by the authority aforesaid, That the ferry known by the name of Kolb's ferry on Peedee, on lands belonging to the estate of Col. Abel Kolb, deceased, be, and is hereby, re-established, and vested in the heirs of the said Col. Abel Kolb, for and during the term of fourteen years; and it shall and may be lawful for the said heirs of Col. Abel Kolb, their heirs, executors, administrators and assigns, to take and receive the following rates of ferriage, and no more, viz:—for each foot passenger, two pence; for each horse, ferried or swam, two pence; for a man and horse, four pence; for a rolling hogshead and two horses, one shilling and two pence; for a loaded wagon and team, or other four wheeled carriage, four shillings and eight pence; for a chair or cart and one horse, one shilling and two pence; for each head of cattle, ferried or swam, two pence; for each head of sheep, hogs or goats, ferried or swam, two pence.

XV. *And be it further enacted* by the authority aforesaid, That the commissioners appointed by Act of Assembly for laying out and keeping in repair a road leading from the lower bridge on Black river to Lenud's ferry, on Santee, be authorized to call the inhabitants to work on and keep in repair the said road on the lower side, all the inhabitants within eight miles on the upper or western side, all the inhabitants between the said road and Law's swamp, as far as Mrs. Campbell's, and from thence to Santee, within eight miles.

Comm'rs. of St. Helena, when to meet.

XVI. *And whereas*, the commissioners of Saint Helena parish, on the main, from the difficulty of crossing Broad river, are frequently prevented from assembling on the days appointed by law for holding a board of commissioners. *Be it therefore enacted* by the authority aforesaid, That the commissioners of Saint Helena parish, residing on the main, shall and may meet on the days required by law to form a board of commissioners, at such place on the main as shall appear most convenient to a majority of them; and such of them as shall so meet, shall be a board of commissioners, and are hereby authorized to transact all business respecting the high-roads, bridges, causeways, waters and water courses on the main, in as full and ample manner as any other board of commissioners.

Ferry at Hilton Head.

XVII. *Be it enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established from the Island formerly called Talberd's, now Jenkins's, on Hilton Head, to the Fording Islands, on Colleton Neck, in the parish of Saint Helena; and that the said ferry be vested, for the term of fourteen years from the passing of this Act, in the heirs and assigns of Sir John Colleton; and that it shall and may be lawful for the said heirs and assigns of the said Sir John Colleton, to take and receive the following rates of ferriage, and no other, that is to say:—for a loaded wagon and team, twenty shillings; for any other four wheeled carriage, ten shillings; for a chair or cart and one horse, seven shillings and six pence; for a man and horse, one dollar; for each foot passenger, two shillings; for each head of black cattle, two shillings and six pence, if ferried or swam over; for each head of sheep, goats or hogs, ferried or swam over, nine pence.

XVIII. *And be it enacted* by the authority aforesaid, That the said heirs and assigns of the said Sir John Colleton shall keep a good and

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sufficient ferry boat, with a competent number of hands, for the transporting of passengers, horses, carriages, cattle, sheep, goats and hogs, as aforesaid.

XIX. *And be it enacted* by the authority aforesaid, That a public road, leading from the said ferry on Jenkins's Island, to intersect the public road from Calliboga to Fish Hall, be laid off and established and kept in repair by the same commissioners as are appointed for the said road, including the following persons, Joseph Jenkins, Micah Jenkins and John Leacraft, from Calliboga to Fish Hall; and that they be authorized to call out and employ all the inhabitants and slaves to work on the said road, from Jenkins's Island to the public road from Calliboga to Fish Hall, as are liable to work on and repair the road last mentioned; and for the purposes aforesaid, the said commissioners are hereby vested with the same powers, and subject to the same penalties, as they are with respect to the road last above mentioned.

Road.

XX. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Broad river, known by the name of Mentz's ferry. Ammon's ferry; and that the said ferry shall be vested in Michael Mentz, his heirs and assigns, for the term of fourteen years from the passing of this Act; and that it shall and may be lawful for the said Michael Mentz, his heirs and assigns, to take and receive the following rates of ferriage, and no other, that is to say:—for a loaded wagon and team, two shillings and four pence; for any other four wheeled carriage, two shillings; for a chair or cart and one horse, one shilling and six pence: for a man and horse, four pence; for each foot passenger, two pence; for each head of black cattle, ferried or swam over, one penny; for each head of sheep, goats or hogs, ferried or swam over, one penny.

XXI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, a public ferry shall be, and is hereby, established over Savannah river, at the landing of John Hammond; and that the said ferry shall be, and is hereby, vested in the said John Hammond, his executors, administrators and assigns, for and during the term of fourteen years; and that it shall and may be lawful for the said John Hammond, his executors, administrators or assigns, to take and receive the following rates, and no other:—for a foot passenger, three pence; for a horse, three pence: for a chair or cart, nine pence; for a loaded chair or cart, one shilling; for a wagon, or other four wheeled carriage, two shillings and six pence; for every head of black cattle, ferried or swam, two pence; for every horse swam, two pence; for every head of sheep or hogs, ferried over or swam, one penny; for a loaded wagon, or other four wheeled carriage, three shillings and six pence.

Hammond's
ferry.

XXII. *And whereas*, it is found practicable to build a bridge across the Enoree river, at or near the place where the main road crosses the same, leading from Love's and the Fish Dam Ford, to the Congaree, which would be of great utility to that part of the State. *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for Alexander Bookter to build a toll bridge across the said Enoree river, on his own land, at or as near as can conveniently be done to the place where the said road crosses the said river; and that the right of the said bridge, and the profits arising therefrom, shall be vested in the said Alexander Bookter, his heirs and assigns, for the term of fourteen years; and that the said Alexander Bookter, his heirs and assigns, shall, at all times, during the said term of fourteen years, keep the said bridge in good repair, under the

Bridge over
Enoree.

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penalty of forfeiting, for every day's neglect, after the said bridge is finished, the sum of ten shillings.

XXIII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said Alexander Bookter, his heirs and assigns, to receive the following rates as toll for the said bridge, and no greater, that is to say :—for a foot passenger, two pence ; for a man and horse, three pence ; for a loaded wagon and team, one shilling and two pence ; for any two wheeled carriage and horses, eight pence ; for every head of neat cattle, horses, sheep, calves or hogs, one penny ; for a rolling hog-head, eight pence.

Ferry over Congaree.

XXIV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across the river Congaree, from lands belonging to the heirs of Thomas Howell, on the north side of said river, and lands belonging to George Haig, on the south side thereof ; and that the said ferry shall be, and is hereby, vested in the heirs of the said Thomas Howell and George Haig, their heirs, executors and assigns, for and during the term of fourteen years ; and it shall and may be lawful for them to demand and receive the same rates of ferriage as are by law established at Goodwyn's ferry, on the said river ; and that the heirs of the said Thomas Howell, and their heirs and assigns, shall only take and receive all ferriages going from the north side, and George Haig, his heirs and assigns, the ferriages from the south side, of said ferry.

Road therefrom.

XXV. *And be it further enacted*, That a public road shall be laid out and opened, on the south side of the river, from said ferry, by the nearest and most convenient way, with the least detriment to the lands through which it may pass, to the Congaree road, leading from Beaver creek to Columbia ; and that John James Haig, William Fitzpatrick and John Seawright, are hereby appointed commissioners to lay out, open, complete and keep in repair the same.

XXVI. *And be it further enacted* by the authority aforesaid, That all former Acts and clauses of Acts relative to Howell's ferry, on the Congaree river, be, and they are hereby, repealed.

Comm'rs. of roads to grant licences for taverns, &c.

XXVII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the granting of licences for taverns and billiard tables, in parishes and districts where there are no county courts established, (the city of Charleston excepted,) shall be, and the same is hereby, vested in the commissioners of the roads and bridges ; and all monies arising therefrom shall be paid into the hands of the said commissioners, and by them applied towards the repairs of the bridges and roads in each parish and district, respectively.

XXVIII. *And be it further enacted* by the authority aforesaid, That nothing contained in this Act shall extend, or be construed to extend, to establish any of the ferries therein named, if such ferry or ferries shall lie or be within the distance prescribed by law for any other ferry already established, except as to the ferry hereinbefore established on Savannah river, on the lands of John Hammond.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

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AN ORDINANCE FOR BUILDING A DRAW BRIDGE ACROSS WAPP00 CREEK. No. 1461.

WHEREAS, from the extreme difficulty of passing over Wapp00 Creek, the inhabitants of James Island are, in a great measure, secluded from all social intercourse with the other parts of the parish, as well as debarred from exercising that inestimable privilege of electing Representatives in the Legislature, and participating in other parochial business. And *whereas*, the said inhabitants of that island have, by their humble petition, prayed to have a draw bridge erected over the said creek.

Preamble.

I. *Be it therefore ordained*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Honorable William Scott, the Honorable Richard Hutson, Benjamin Stiles, Robert Rivers, Gracia Rivers, Glen Drayton, and Thomas Odingsell Elliott, Esquires, or any three or more of them, be, and they are hereby nominated and appointed, commissioners for contracting and agreeing with any proper person or persons, who may be willing to undertake, at their own cost and charges, to construct and erect a draw bridge over the said creek.

Commissioners named, to contract for building bridge over Wappoo.

II. *And be it further ordained* by the authority aforesaid, That all and every person or persons, with whom any three or more of the commissioners aforesaid shall or may contract and agree, shall have power and authority, and he and they are hereby fully authorized and empowered, to construct and erect the said bridge, of such materials as they shall think fit.—*Provided*, that the said bridge be not less than six feet in height at the centre, above the common high-water mark at spring tides, and at least twelve feet in width; and that the aperture or centre arch thereof, be not less than twenty-five feet, and made in the deepest part of the creek, for the greater convenience of navigation.

Dimensions.

III. *And be it further ordained* by the authority aforesaid, That for and in consideration of the trouble and expense of constructing and erecting the said bridge, and preserving and continuing the same in good order and repair, the said bridge, when built, shall be, and the same is hereby, vested in the said person or persons with whom the commissioners aforesaid, or any three or more of them, may contract and agree. And it shall and may be lawful for the proprietor or proprietors of the said bridge for the time being, from time to time, and at all times, after it shall be fit for use, to ask, demand, receive and take, to and for his and their own proper use and behoof, as pontage or toll, before any passage over the said bridge shall be permitted, the several sums following, in lawful money of this State, viz :—for every foot passenger, four pence; for a man and horse, eight pence; for every wagon and team, two shillings and four pence; for every other four wheeled carriage and horses, one shilling and six pence; for every cart and horse or horses, one shilling and three pence; for every chair and horse or horses, one shilling; for every horse, mule or ass, laden or unladen, and not drawing, four pence; for every head of oxen or neat cattle, six pence; for every head of calves, hogs, sheep and lambs, three pence.

Toll.

IV. *And be it further ordained* by the authority aforesaid, That the proprietor or proprietors of the said bridge, shall be, and they are hereby, obliged and required, from time to time and at all times, to keep a sufficient number of persons, one at least to be a white man, to attend constantly at the said bridge, as well by night as by day, that passage

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of said bridge.

may be had over the same, and that boats or vessels may pass through the draw bridge as occasion may require. And in case any person or persons going to the said bridge in order to pass the same, either by him or themselves, or with any vehicle, carriage or other article or thing whatever, after tendering the pontage or toll hereinbefore appointed for passing the said bridge, shall be wilfully retarded or delayed, the said proprietor or proprietors shall pay to such person or persons, the sum of five shillings for every quarter of an hour that he, she or they shall be so retarded or delayed.— And in case any boat or vessel shall be wilfully detained at the said bridge, either in going up or coming down, for want of the draw bridge being raised, the proprietor or proprietors for the time being, shall forfeit and pay, to the owner or owners of such boat or vessel, the sum of twenty shillings for every hour that such boat or vessel shall be so detained; which penalties and forfeitures shall be recoverable, upon the oath of the party complaining, or any other credible witness, before any magistrate or justice of the peace of the district. *Provided*, that complaint thereof be made within twenty days, but not after.

Penalty for in-
juring the
bridge.

V. *And be it further ordained* by the authority aforesaid, That if any person or persons shall wantonly or wilfully destroy, or in any manner injure, the said bridge, every such person or persons shall, on indictment and conviction of the same, at the Court of General Sessions in the District of Charleston, be subject to repair the damages, and pay a fine not exceeding five pounds.

Said bridge not
to be interfered
with.

VI. *And be it further ordained* by the authority aforesaid, That from and after the completion of the said bridge, it shall not be lawful for any person or persons to keep any ferry between the mouth of Wappoo Creek, and the outlet of the above mentioned creek into Stono river, during the term the said bridge shall be vested in the proprietor or proprietors, upon pain of forfeiting the sum of ten pounds for every week such ferry shall be so kept; to be recovered by a summary process, before any one of the judges at the Court of Common Pleas in Charleston; and to be to the sole use and behoof of the proprietor or proprietors of the said draw bridge.

Who may pass
free.

VII. *And be it further ordained* by the authority aforesaid, That the Governor or Commander-in-chief of the State for the time being, all ministers of the Gospel, and all persons going to and from places of divine worship, or going to or returning from any muster of the militia, or to and from an election for members of the General Assembly, and all persons in time of alarm, expresses and messengers in the service of this Government, or the Honorable the Congress of the United States, and all members of the House of Assembly, with their servants, riding carriages and horses, going to and returning from the House, be, and they are hereby, exempted from any pontage or toll; any thing hereinbefore contained to the contrary thereof notwithstanding.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DE SAUSSURE, *President of the Senate.*JACOB READ, *Speaker of the House of Representatives.*

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AN ACT FOR BUILDING A BRIDGE ACROSS ASHLEY RIVER.

No. 1470.

Preamble.

WHEREAS, by an Act of the General Assembly, passed the eighth of May, one thousand seven hundred and fifty-four, commissioners were authorized and empowered to contract and agree with any person or persons, for building a bridge across Ashley river, at or near the place called Stony Point, on the east side, to the marsh opposite to the said point, on the west side of the said river; and making a causeway on the said marsh from the said bridge, to the land of the late William Cattell, on the south-west side of the said river. And by the said Act, the said bridge, when built, was declared to be vested in the person or persons by whom the same had been built, his or their heirs and assigns forever; and a certain toll or rate for passage over the said bridge, and several rights, privileges and immunities, were granted to the proprietors thereof. And *whereas*, by an Act passed the tenth of March, one thousand seven hundred and eighty-four, other commissioners were appointed for carrying into effect the Act first abovementioned. And *whereas*, it hath been represented to the Legislature, by the said commissioners, that a proposal had been made to them for building a bridge across the said river, at Ashley Ferry, instead of Stony Point; but that it appears to them doubtful, whether they have power to agree with any person for so doing, or whether a person who should do so, would be entitled to the toll or rate for passage over the said bridge, and to the rights, privileges and immunities which are granted by the Act first abovementioned, to a person building a bridge at Stony Point, and making a causeway therefrom, as mentioned in the said Act.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners named in the said lastmentioned Act, or any five or more of them, shall have full power and authority to contract and agree with any person or persons, for building a draw bridge across Ashley river, at Ashley ferry, instead of Stony Point, if it shall appear to the said commissioners, or any five of them, practicable and expedient to build and erect the said bridge at the said ferry; that the said bridge shall be of the size and dimensions which are directed by the Act first abovementioned.

II. *And be it further enacted* by the authority aforesaid, That the said bridge, when built, shall be vested in the person or persons by whom the same shall have been built, his or their heirs and assigns forever. That the proprietor or proprietors of the said bridge shall make the causeway leading thereto, twenty feet wide at the top or surface, with a margent on each side of the said causeway, of the width of the present margent, and not exceeding thirty feet for margent and ditch, and two feet higher than high-water mark at spring tides, and keep the said causeway in good repair.— And that such proprietor or proprietors shall be entitled to the same toll or rate for passage over the said bridge, and to the several rights, privileges and immunities, which are granted by the Act first abovementioned, to a person building a bridge at Stony Point, and making a causeway therefrom.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DE SAUSSURE, *President of the Senate.*JACOB READ, *Speaker of the House of Representatives.*

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Acts relating to Roads, Bridges and Ferries.

No. 1506. AN ACT FOR LAYING OUT AND KEEPING IN REPAIR, A PUBLIC ROAD LEADING FROM NEW RIVER BRIDGE, DOWN TO TUNBRIDGE, ON NEW RIVER NECK; AND FROM THENCE, THE NEAREST AND BEST ROUTE, TO THE MOUTH OF SAVANNAH BACK RIVER, INCLUDING THE ROAD LEADING FROM PURYSBURGH, LATELY LAID OUT AND WORKED ON, TO CONTINUE SO AS TO INTERSECT THE SAME.

Preamble.

WHEREAS, it has been represented to the Legislature, by the petition of sundry inhabitants residing on and near New River Neck, in the parish of Saint Peter, that the making of a public road, running from New River Bridge, down to Tunbridge on New River Neck, and from thence, the nearest and best route, to the mouth of Savannah Back River, including the road leading from Purysburgh, lately laid out and worked on, to continue thereon, so as to intersect the same, will be both of public and private utility; as likewise, be the means of a more quick and ready communication between this State and the State of Georgia; therefore,

Road.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners hereinafter named, shall be, and they are hereby, authorized, empowered and directed, to make, complete and finish, the road aforesaid; and also, from time to time, to keep the same in good and sufficient repair.

Commissioners and their powers.

II. *And be it further enacted* by the authority aforesaid, That Wm. White, John Lewis Bourquin, jr., Peter Reymond, John Lewis Buche, and Lewis Bourquin Keall, be, and they are hereby appointed, commissioners for laying out and keeping in repair the road mentioned as aforesaid. And the said commissioners, or a majority of them, shall have full power and authority to call upon all the inhabitants or proprietors of lands, to send all their male slaves, from the age of sixteen to fifty years of age, within ten miles of the said road, in the parish of Saint Peter, to work upon and keep the said road in repair, not exceeding twelve days in the year. And if any person or persons shall refuse or neglect to go or to send their male slaves, when thereunto summoned by the commissioners aforesaid, or by any person by them to be appointed, or any three of them, for that purpose, every such person shall forfeit and pay, for the use of the said road, two dollars for himself, and one dollar per day for every male slave so neglected or refused to be sent; to be recovered by immediate warrant of distress, under the hands and seals of any three of the said commissioners, against any of the goods and chattels of the defaulter, which, after ten days public notice, shall be sold, for the purpose of paying the fine aforesaid, and charges accruing thereon, and the overplus, if any, returned to such defaulter. *Provided*, that such persons who are so made liable to work on the said road, shall be exempted and excused from working on any other public road.

General issue may be pleaded.

III. *And be it further enacted* by the authority aforesaid, That if any person or persons shall be sued for any thing done in pursuance of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence. And in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

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IV. *And be it further enacted* by the authority aforesaid, That the fifth and sixth clauses of an Act passed the twenty-eighth day of March, one thousand seven hundred and seventy-eight, for establishing several ferries, ^{Part of former Act repealed.} and also, for reviving several laws for the establishment of several other ferries, and for other purposes therein mentioned, so far as respects the continuing the road leading from Purysburgh to Channing's Point; and also, the road from New River Bridge to intersect the said road, and obliging all the male slaves, from sixteen to sixty years of age, living to the south and eastward of the road leading from Purysburgh to New River Bridge, to work and repair the said roads; be, and the same are hereby, repealed, and made null and void; any law, usage or custom to the contrary notwithstanding.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR LAYING OUT CERTAIN ROADS AND ESTABLISHING CERTAIN FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1507.

I. *Be it enacted*, by the Honourable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a public ferry shall be, and hereby is, established on Pee Dee river, at William Evans's boat yard, and shall be vested in William Evans, his heirs and assigns, for the term of fourteen years; and that it shall be lawful for the said William Evans, his heirs, executors, administrators and assigns, to take and receive the following rates of ferriage, and no other, viz:—for every foot passenger, two pence; for each horse, ferried or swam, two pence; for a man and horse, four pence; for a wagon and team, or other four wheeled carriage and horses, three shillings and six pence; for a chair or cart, with one horse, one shilling and six pence; for each head of black cattle, hogs, sheep or goats, two pence. And that a public road shall be laid out, the nearest and best way, from the said William Evans's boat yard, on Great Pee Dee, to Swinny's Bluff, on Little Pee Dee. That Aaron Pearson, Lewis Connor and James Connor, be, and they are hereby appointed, commissioners for laying out the said road, and keeping the same in repair; and that the county court of Marlborough shall, from time to time, direct and appoint the persons who shall work thereon. ^{Evans's ferry.} ^{Roads thereto.}

II. *And be it further enacted* by the authority aforesaid, That Evander McIver, Enoch Evans, Senior, and Thomas Williamson, shall be, and they are hereby appointed, commissioners for laying out a road from the said William Evans's ferry to the main road leading down Pee Dee river, from Greenville to Georgetown; and that the county court of Darlington shall direct and appoint the persons who shall work on the said road.

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III. *And whereas*, by an Act of the General Assembly, passed on the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six, a ferry was established over Pee Dee river, at Joseph Pledger's plantation, and vested in the said Joseph Pledger, and it appearing that said ferry is not now necessary, *Be it enacted* by the authority aforesaid, That the said Act, and every clause and part of the same, be, and hereby is, repealed.

IV. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and hereby is, established on Wateree, at the plantation of Joshua English, and shall be known by the name of English's ferry; and that the said ferry shall be vested in the said Joshua English, his heirs and assigns, for the term of fourteen years; and that it shall and may be lawful for the said Joshua English, his heirs and assigns, to take and receive the following rates of ferriage, and no other, that is to say:—for every wagon and team, or other four wheeled carriage and horses, three shillings and six pence; for a chair or cart, with one horse, one shilling and six pence; for a man and horse, four pence; for each foot passenger, or led horse, two pence; for each head of black cattle, hogs, sheep or goats, ferried or swam over, two pence.

V. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from English's ferry, on the Wateree river, to the main road leading from Camden to Statesborough; and also, from the said ferry to the main road leading from Rocky Mount to Huger's ferry; and that Douglas Starke and Joshua English be, and they are hereby appointed, commissioners for laying out the said road.

VI. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from Camden to Chesnut's ferry, near Knight's Hill, and from the said ferry to the main road leading from Rocky Mount to Huger's ferry; and that Reuben Starke and Zachariah Cantey, be, and they are hereby appointed, commissioners for laying out the said road; and that the county court of Kershaw be, and are hereby, authorized and directed to appoint overseers for keeping the said road in repair.

VII. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and hereby is, established on Saluda river, at the plantation of John Wilson; and that the said ferry shall be vested in the said John Wilson, his heirs and assigns, for the term of fourteen years; and that it shall and may be lawful for the said John Wilson, his heirs, executors, administrators and assigns, to take and receive the following rates, and no other, that is to say:—for a wagon and team, or other four wheeled carriage, with horses, three shillings and six pence; for a chair or cart, with one horse, one shilling and six pence; for a man and horse, four pence; for each foot passenger or led horse, two pence; for each head of black cattle, hogs, sheep or goats, ferried or swam over, two pence.

VIII. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and hereby is, established on Saluda river, at the plantation of John Maxwell, and that the said ferry shall be vested in the said John Maxwell, his heirs and assigns, for the term of fourteen years; and that it shall and may be lawful for the said John Maxwell, his heirs, executors, administrators or assigns, to take and receive the following rates of ferriage, and no other, that is to say:—for a wagon and team, or other four wheeled carriage, with horses, three shillings and six pence; for a chair or cart, with one horse, one shilling and six pence; for each man and horse,

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four pence ; for each foot passenger, or led horse, two pence ; for each head of black cattle, hogs, sheep or goats, ferried or swam over, two pence. And that a public road shall be laid out from said ferry, the nearest and best way, to the Tumbling Shoals, on Reedy river ; and from the said ferry, through Abbeville county, the nearest and best way, to the Church Ford, on Savannah river ; and that the respective county courts of Laurens and Abbeville counties, be, and they are hereby, authorized and directed to appoint commissioners for laying out said roads, and keeping the same in repair, and to direct what persons shall work on the same.

Road.

IX. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for Robert Cannon to build and keep in repair good and sufficient bridges over the south fork of Edisto river, at the place where the main road leading from Burton's ferry, on Savannah river, to Orangeburgh, crosses said river, and that said bridge or bridges shall be vested in the said Robert Cannon, his heirs and assigns, for the term of twenty-one years ; and that it shall and may be lawful for the said Robert Cannon, his heirs, executors, administrators and assigns, to take and receive the following rates and tolls, and no other, that is to say :—for a wagon and team, or other four wheeled carriage, with horses, one shilling and six pence ; for a chair or cart, with one horse, one shilling ; for each man and horse, four pence ; for each foot passenger or led horse, two pence ; for each head of black cattle, hogs, sheep or goats passing over, one penny.

Bridge over
Edisto, at
Cannon's.

X. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for James Johnston to build and keep in repair a good and sufficient bridge over Edisto river, at a place called the Pine Log, where the public road leading from Savannah river to Columbia, crosses said river, and that the said bridge shall be vested in the said James Johnston, his heirs and assigns, for the term of twenty-one years ; and that it shall and may be lawful for the said James Johnston, his heirs, executors, administrators and assigns, to take and receive the following rates and tolls, and no other, that is to say :—for a wagon and team, or other four wheeled carriage, with horses, three shillings and six pence ; for a chair or cart, with driver and one horse, one shilling and six pence ; for a man and horse, six pence ; for each foot passenger, or led horse, two pence ; for each head of black cattle, hogs, sheep or goats, passing over, one penny.

At Johnston's.

XI. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from widow Williamson's Ford, on Saltcatcher river, to Carter's Ford, on Little Saltcatcher river ; and from thence, passing near to Ferguson's Mills, on Edisto, the nearest and best way, to Charleston ; and that Benjamin Walker, George Carter, Jesse Carter, Solomon Harper and George Warren, be, and they are hereby appointed, commissioners for laying out the said road and keeping the same in repair, and are hereby fully authorized to call out and employ all the male inhabitants, from sixteen to fifty years of age, residing within six miles of said road, to work thereon, for any number of days not exceeding twelve in one year.

Road from
Williamson's
to Charleston.

XII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and hereby is, established on Lynch's creek, at the plantation of Kenneth McCallum, and that the said ferry shall be vested in the said Kenneth McCallum, his heirs and assigns, for the term of fourteen years ; and that it shall and may be lawful for the said Kenneth McCallum,

McCallum's
ferry.

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his heirs, executors, administrators and assigns, to take and receive the following rates, and no other, that is to say:—for a wagon and team, or other four wheeled carriage, with horses, two shillings and four pence; for a chair or cart, with one horse, one shilling and six pence; for man and horse, four pence; for each passenger on foot, or led horse, two pence; for each head of black cattle, hogs, sheep or goats, ferried or swam over, one half penny.

Sundry roads
established.

XIII. *And be it enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from Statesborough to Darlington court house, and from thence to Greenville, on Pee Dee. And that another road be laid out, the nearest and best way, from Darlington court house to ——— ferry, on Pee Dee; and that the respective county courts of Claremont and Darlington counties, be, and they are hereby, authorized and directed to appoint commissioners for laying out the said roads, so far as they shall run through their respective counties, and for keeping the same in repair, and to direct what persons shall be liable to work on said roads.

XIV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out from Orangeburgh to Granby, in the district of Orangeburgh, in the nearest and best way; and that Colonel Jacob Rumph, ———, be, and they are hereby appointed, commissioners for laying out said road and keeping the same in repair; and they, or any four of them, are hereby fully authorized to call out and employ all the male inhabitants, from sixteen to fifty years of age, living within ten miles of said road, to work on the same, for any number of days not exceeding twelve in any one year.

Where no
county courts,
the people to
elect comm'rs.

XV. *And whereas*, it is necessary to provide for the superintendence and management of the high-roads in those counties where the county courts are suspended. *Be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the inhabitants of the said several counties where the county courts are suspended, to meet at the several places appointed for holding the said courts in each of the said counties, on the last Tuesday in March next, and choose from among themselves, any number of the commissioners of the high-roads for the said counties, not exceeding seven; and the said commissioners so chosen, or a majority of them, shall have all the powers and authorities for keeping the said roads in repair, and be subject to all such fines and penalties, as the commissioners of the high-roads throughout the State are vested with and liable to. And the members of the Legislature for the respective elective districts, including the said counties, shall have power, and they are hereby authorized and required, to appoint proper persons to receive the votes and manage the said elections.

Their powers.

XVI. *And be it further enacted* by the authority aforesaid, That the justices of the county courts, and the commissioners of the high-roads, in the elective districts where county courts are not established, or a majority of them, shall have, and they are hereby vested with, full powers and authority to declare and ascertain what inhabitants are liable to work on the said roads or parts of the roads in their respective districts; any law or custom to the contrary notwithstanding. *Provided nevertheless*, that nothing herein contained shall authorize such commissioners to compel the inhabitants to work on any road more than ten miles from his place of residence, nor for more than twelve days in a year.

XVII. *And be it further enacted* by the authority aforesaid, That a public

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ferry shall be, and is hereby, established from Hobcaw Point, on Waccamaw Neck, to Georgetown, and to the opposite shore, at or near Singleton's old field; and that the said ferry be vested, for the term of fourteen years, in the heirs and assigns of Samuel Clegg, deceased. And another ferry, at or near Singleton's old field, and that the same be vested, for the said term, in John Allston, his heirs and assigns; and that it shall and may be lawful for the heirs and assigns of the said Samuel Clegg to take the following rates of ferriage, and no other, that is to say:—for a loaded wagon and team, fourteen shillings; for any other four wheeled carriage, nine shillings and four pence; for a chair or cart and one horse, seven shillings; for a man and horse, four shillings; for each foot passenger, one shilling; for each head of black cattle, one shilling; for each head of sheep, goats or hogs, six pence.

Ferries to
Georgetown.

XVIII. *And be it enacted* by the authority aforesaid, That the said John Allston, his heirs and assigns, shall take the following rates of ferriage, and no other, that is to say:—for a loaded wagon and team, nine shillings and four pence; for any other four wheeled carriage, six shillings; for a chair or cart and one horse, five shillings; for a man and horse, three shillings; for each foot passenger, nine pence; for each head of black cattle, nine pence; for each head of sheep, goats or hogs, four pence.

XIX. *And be it enacted* by the authority aforesaid, That a public road, leading from Singleton's old field to the public road leading to Santee, be laid off and established and kept in repair, by the commissioners of the roads for Prince George's parish. And another public road, leading from the old ferry road to the said Hobcaw Point, be laid off and established by the commissioners of the roads for All Saints parish; and the said commissioners are hereby, respectively, authorized to call out and employ all the inhabitants and slaves that are liable to work on the other public roads of the said parishes; and the said commissioners are hereby vested with the same powers, and subject to the same penalties, as they are with respect to the other public roads.

Roads.

XX. *Whereas*, the present established ferry, which leads from John's Island to Charleston, is found to be very circuitous, and inconvenient to a majority of the citizens who have occasion to use the same. *Be it therefore enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established on a line between the plantations of ——— Mainwell and Thomas Simmons, on John's Island, to cross Stono river at the causeway or old landing place between the plantations of Francis Guerin and William Simmons, in Saint Andrew's parish.

Ferry from
John's Island.

XXI. *And be it further enacted* by the authority aforesaid, That the commissioners for the parish of Saint John's, Colleton county, or a majority of them, be, and they are hereby, nominated and appointed commissioners for contracting and agreeing with any person or persons who shall or may be willing to undertake, maintain and keep the said ferry, and provide a sufficient number of good boats and flats, necessary for the purpose of transporting of passengers, their servants, carriages, horses and cattle, over the said river, as well by night as by day. And that the commissioners of the roads of the said parish of Saint John's, Colleton county, be, and they are hereby appointed, commissioners to lay off, make and keep in good repair, a public road leading from the high road on John's Island, to the said ferry. And that the commissioners of the roads for Saint Andrews parish, be, and they are hereby appointed, commissioners to lay

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off, make and keep in good repair, a public road leading from the aforementioned causeway or old landing place, to join the church path of Francis Guerin, in Saint Andrew's parish.

Toll.

XXII. *And be it further enacted* by the authority aforesaid, That the person or persons who shall or may contract, agree for, maintain and keep the said ferry, shall be entitled to demand, take and receive ferriage at such rate or rates as that which by law is now demanded, received and taken at the old ferry, which at present supports the communication between John's Island and the main land.

Powers of comm'rs.

XXIII. *And be it further enacted* by the authority aforesaid, That the commissioners hereinbefore nominated and appointed, shall be, and hereby are, vested with all the powers and authorities, and shall be subject to the same penalties, as the commissioners of high-roads in this State are by law vested with or liable to.

Duty of owners of ferries.

XXIV. *And be it further enacted* by the authority aforesaid, That the several persons in whom the respective ferries hereinbefore mentioned, during the time for which their respective ferries are established, shall keep and maintain a good and sufficient ferry-boat, with one or more able bodied men to attend the said respective ferries, for transporting passengers, their servants, horses, carriages, cattle, sheep and hogs.

Fords not to be obstructed.

XXV. *And whereas*, several of the rivers and creeks over which ferries and toll bridges have been established in this State, are at certain seasons in the year fordable. *Be it enacted* by the authority aforesaid, That no keeper of any ferry or toll bridge, or other person, shall, on any pretence whatsoever, stop up or obstruct any fording or crossing place, on any river or creek within this State, with a view to compel any person or persons to cross over any ferry or toll bridge; under the penalty of ten shillings, to be recovered before the nearest justice of the peace, for every person or persons so prevented from passing over such fording or crossing place.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

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AN ACT FOR VESTING A BRIDGE TO BE BUILT BY WADE HAMPTON, ESQ., AT HIS OWN EXPENSE, ACROSS THE CONGAREE RIVER, ALSO, A BRIDGE OVER THE SAVANNAH RIVER, OPPOSITE THE TOWN OF AUGUSTA, IN THE SAID WADE HAMPTON, HIS HEIRS AND ASSIGNS, FOR THE TERM THEREIN MENTIONED; ALSO, VESTING A BRIDGE TO BE BUILT BY JOHN COMPTT, ACROSS BROAD RIVER, ABOVE THE CONFLUENCE OF BROAD AND SALUDA RIVERS.

Preamble.

WHEREAS, travellers are frequently delayed in passing the Congaree river at the place called Fridig's ferry, occasioned by high winds and the great strength of the current. And *whereas*, Wade Hampton, Esq., hath purchased the said ferry at a considerable price, with a design to build a bridge across the said Congaree river, and hath, by his petition to the Legislature, prayed for leave to construct and build a bridge at his own expense across the said river, and that the said bridge might be vested in him and his assigns, for a limited time.

I. Be it therefore enacted, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, it shall and may be lawful to and for the said Wade Hampton, his heirs and assigns, and he and they are hereby fully empowered and authorized, to build or construct a bridge across the said Congaree river, at the said place called Fridig's ferry. *Provided*, that the said bridge be built of good substantial materials, and be not less than twenty feet wide, and railed in on each side with good and substantial rails, or otherwise, raised and secured, so as to prevent any mischief being done in passing the said bridge.

II. And be it further enacted by the authority aforesaid, That for and in consideration of the great charges that the said Wade Hampton, his heirs or assigns, will sustain in erecting and making the said bridge, and repairing and supporting the same, the said bridge when built, shall be, and is hereby, vested in the said Wade Hampton, his heirs and assigns, for the term of one hundred years from the time of passing this Act, with the same exclusive rights as those now granted by law to the said Fridig's ferry; and it shall and may be lawful to and for the said Wade Hampton, his heirs or assigns, during the unexpired term of the ferry establishment, to ask, demand, receive, recover and take to and for his and their own proper use and behoof, in respect of his and their charges aforesaid, for pontage or in the name of a toll or duty, before any passage over the said bridge shall be permitted, (except as hereinafter provided,) at the same rate or rates as the ferriage now demanded and taken at Fridig's ferry.

III. And be it further enacted by the authority aforesaid, That after the expiration of the present ferry term, it shall then, and at the expiration of every twenty-one years afterwards, be lawful to and for the Legislature of this State to reconsider and again fix the rates of pontage or toll, to be taken at the said bridge for the term thence unexpired. *Provided*, that the pontage or toll, so to be fixed and taken, be equal to the average rates allowed and received at the three nearest ferries or bridges over the said river.

IV. And whereas, it may happen that the said bridge may in time to come, receive such damage by storms, freshes or other unforeseen accidents,

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In case of damage to the bridge, ferry authorized.

that the passage thereof may for some time become dangerous or impracticable. *Be it enacted*, by the authority aforesaid, That in all such cases, it shall and may be lawful for the proprietor or proprietors of the said bridge, for the time being, from time to time as often as occasion shall require, to provide a proper and convenient ferry boat or boats to cross the said river, at such place as he or they shall judge to be most proper and convenient, and as near to the bridge as conveniently may be, and there to take for passage over the said river, by such ferry or ferries, such rates and duties as are granted by this Act for the toll or portage aforesaid. *Provided*, that such ferry or ferries shall not continue for any longer time than shall be necessary to repairing or rebuilding the said bridge, or longer than the passage over the same shall or may be dangerous or impracticable as aforesaid. And *provided also*, that in case the proprietor or proprietors of the said bridge shall, at any time hereafter, neglect or refuse to re-build or repair the said bridge, for the space of two years, he or they shall from thenceforth forfeit his or their right, title, property and interest, of, in or to the said bridge, and the tolls and duties hereby granted to him or them, for portage or passage over the same, shall cease and determine; any thing herein contained to the contrary notwithstanding.

Roads to be made to said bridge.

V. *And be it further enacted* by the authority aforesaid, That the commissioners for the roads of the district or districts adjoining the said bridge, on either side of the said Congaree river, shall be, and they are hereby, obliged and required to lay out and make convenient roads leading to the said bridge, from the present high roads on each side of the said river, and to have such roads completed as soon as the said bridge shall be finished.— And the inhabitants of the said district or districts shall be, and they are hereby, obliged, enjoined and required, to make the said roads, and to keep the same, from time to time, and at all times hereafter, in repair, in like manner as the other high roads of the said districts are made and kept. And the commissioners of the roads for the district or districts aforesaid for the time being, shall be supervisors of the said bridge after the same shall be finished and completed, and shall take care that the said bridge be kept in repair according to the directions and true intent and meaning of this Act.

Duty of owner of said bridge.

VI. *And be it further enacted* by the authority aforesaid, That the proprietor or proprietors of the said bridge for the time being, shall be, and they are hereby, obliged and required, from time to time, and at all times hereafter, to keep a sufficient number of servants, one at least to be a white man, to attend constantly at the said bridge, as well by night as by day, that passage may be had over the said bridge as occasion may require. And in case any person or persons going to the said bridge in order to pass the same, either by him or themselves, or with any vehicle, carriage or other thing, and tendering the toll or duty hereinbefore appointed for passing the said bridge, shall be wilfully retarded, the said proprietor or proprietors shall forfeit and pay, to such person or persons, the sum of five shillings for every quarter of an hour that he, she or they shall be so retarded. Which penalties and forfeitures shall and may be recovered, in the same way and manner as is directed and appointed for the recovery of small debts, upon the oath of the party complaining, or any other credible witness, made before any one justice. *Provided*, that complaint thereof be made within ten days, but not thereafter.

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VII. *And be it further enacted* by the authority aforesaid, That the President of the United States and his suite, the Governor or Commander-in-chief of this State for the time being, members of both branches of the Legislature, coming to attend or returning from the Legislature, all ministers of the Gospel going to attend divine service, all persons in times of alarm, and all expresses to and from this Government, their servants and horses, be, and they are hereby, exempted from paying any toll or duty for passing or re-passing the said bridge; any thing herein contained notwithstanding.

Who may pass free.

VIII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall wilfully and maliciously blow up, pull down, burn or otherwise destroy the said bridge, or any part thereof, or attempt so to do, or in any wise direct or procure the same to be done, whereby the said bridge or the works thereof may be damaged, or the lives of passengers endangered, every such offender or offenders, being lawfully convicted thereof, shall be adjudged guilty of a high misdemeanor, and shall suffer twelve months imprisonment and pay a fine of fifty pounds.

Penalty for injuring the bridge.

IX. *And be it further enacted* by the authority aforesaid, That the said bridge shall not be rated or assessed for or towards the payment of any public or parochial tax whatsoever; nor shall the said bridge, or any part thereof, be deemed to belong to or be within any parish, but shall be extra-parochial, to all intents and purposes whatsoever. And the said bridge shall not be deemed a parish bridge, so as to subject the inhabitants of the adjoining parishes to repair or support the same.

Said bridge not to be taxed.

X. *And whereas*, a bridge has lately been built by the said Wade Hampton, over the Savannah river, opposite to the town of Augusta, he having obtained a grant from the Legislature of the State of Georgia for the establishment of the same on the Georgia side. *And whereas*, the said bridge is found to be of great public utility, and the land on the South Carolina side of the bridge is the property of the said Wade Hampton, and there is already a public road therefrom, and the proprietors of a ferry which had been established over the said river, near the said bridge, have relinquished their right to the same in favor of the said Wade Hampton. *Be it therefore further enacted* by the authority aforesaid, That the said bridge is hereby vested in the said Wade Hampton, his heirs and assigns, for the same term of years, with the same exclusive rights and privileges, and the same rates of toll, on the Carolina side, and subject to the same regulations and provisos, and to similar regulations, restrictions, penalties and forfeitures, as are hereby granted and allowed, limited and provided, regulated, restricted and imposed, with respect to the bridge to be built over the Congaree river, at Fridig's ferry, or the proprietor or proprietors thereof.

Hampton's bridge, over Savannah, at Augusta.

XI. *And whereas*, it would greatly facilitate the communication between the upper country and the Seat of Government, if a bridge were built across Broad River above the confluence of Broad and Saluda Rivers. *And whereas*, John Compy hath represented that he is willing to undertake and complete the same. *And whereas*, the land on the east side of Broad river, at the place proposed for building the said bridge, is the property of the said John Compy, but the land on the west side of the said river is not his property. *Be it therefore enacted* by the authority aforesaid, That as soon as the said John Compy shall purchase, in fee, the said land on the west side of the said river, or can obtain the consent of the proprietor thereof, provided the said purchase be made or consent be obtained within two years from the passing of this Act, the said John Compy be, and is hereby,

Compy's bridge over Broad river.

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authorized to construct and build a bridge over Broad river, above the confluence of the Broad and Saluda rivers, opposite to and on the lands of the said John Compty. And that it shall and may be lawful for the said John Compty, his heirs and assigns, to enjoy all the same rights and privileges, and to take the same rates and toll or pontage, and for the same term, and shall be subject to the same limitations and provisos, and to similar regulations, restrictions, penalties and forfeitures, as are granted and allowed, limited and provided, regulated, restricted and imposed, with respect to the bridge to be built, by virtue of this Act, over the Congaree river, with respect to the proprietor or proprietors thereof.

Commissioners named. XII. *And be it further enacted*, That the Honorable Thomas Taylor, Peter Freneau, James Green Hunt, Walter Hall, and Robert Lithgon, be, and they are hereby appointed, commissioners to direct and lay off a proper road and landing place, and space for the abutments of the said bridge, on the western shore of the said Broad river, and to direct all such matters as may be necessary in and about carrying this Act into effect, for perfecting the said bridge, and a road therefrom, by the best course, to the road leading from Kennerly's ferry to Spring Hill.

Public Act. XIII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and be judicially taken notice of as such, by all the judges, justices and other persons whatsoever, without specially pleading the same.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1513. AN ACT FOR BUILDING A TOLL BRIDGE ACROSS EDISTO RIVER, IN THE COUNTY OF ORANGE, FROM SOME PLACE AT OR NEAR THE OLD MILL SEAT, SITUATED WITHIN THE LIMITS OF THE TOWN OF ORANGEBURGH, ON THE NORTH SIDE OF THE SAID RIVER, TO THE MOST CONVENIENT SPOT ON THE SOUTH SIDE OF THE SAID RIVER; AND FOR MAKING A CAUSEWAY THROUGH THE SWAMP, LEADING FROM THE SAID BRIDGE, TO THE MAIN ROAD LEADING FROM NINETY-SIX TO CHARLESTON; AND FOR VESTING THE SAID BRIDGE, WHEN BUILT, IN SUCH PERSON OR PERSONS, HIS AND THEIR HEIRS AND ASSIGNS, FOR A TERM NOT EXCEEDING TWENTY-ONE YEARS, AS SHALL BE AT THE EXPENSE OF BUILDING THE SAID BRIDGE, AND MAKING THE SAID CAUSEWAY, AND KEEPING THE SAME, AT ALL TIMES HEREAFTER, IN REPAIR DURING THE SAID TERM.

WHEREAS, travellers frequently meet with great difficulty in passing

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Preamble.

the road leading from Ninety-Six to Charleston, for the want of a good and sufficient bridge across Edisto river, at or near the place called the Old Mill Seat, and a good and sufficient causeway, from the high ground on the south side of said river, through the swamp leading to the said bridge. And *whereas*, great benefit would arise to the inhabitants of the western part of this State, and to the public in general, from such bridge and causeway.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Donald Bruce, Esquire, Charles Starkey Middleton, Jacob Rumph, Jacob Wannamaker, and James Carmichael, or any three of them, be, and they are hereby nominated and appointed, commissioners for contracting and agreeing with any proper person or persons, who may be willing to undertake, at their own cost and charges, to construct and erect a bridge over the said river, and for making a good and sufficient causeway, through the swamp, from said bridge to the high land on the south side of said river, into the road leading from Charleston to Ninety-Six; and for keeping the same in constant repair, during the time they are proprietors of the toll of said bridge.

Bridge over
Edisto.

II. *And be it further enacted* by the authority aforesaid, That all and every person or persons, with whom any three or more of the commissioners aforesaid shall or may contract and agree, shall have power and authority, and he and they are hereby fully authorized and empowered, to construct and erect the said bridge, of such materials as they shall think fit.—*Provided*, that the said bridge and causeway be not less than twenty feet in width, and that the aperture or centre arch, be not less than thirty feet, and made in the deepest part of said river, six feet high above the common freshes, for the greater convenience of navigation.

Dimensions,
&c.

III. *And be it further enacted* by the authority aforesaid, That for and in consideration of the trouble and expense of constructing and erecting said bridge and causeway, and preserving and continuing the same in good order and repair, the bridge and causeway, when built, shall be, and the same are hereby, vested in the said person or persons, his or their executors, administrators and assigns, for a term not exceeding twenty-one years, with whom the commissioners aforesaid, or any three or more of them, may contract and agree. And it shall and may be lawful for the proprietor or proprietors of the said bridge for the time being, from time to time, and at all times, after it shall be fit for use, to ask, demand, receive and take, to and for his and their own proper use and behoof, as pontage or toll, before any passage over the said bridge shall be permitted, the several sums following, in lawful money, viz:—for every coach, chariot or other four wheeled carriage, drawn by two or more horses, mules or oxen, with the persons therein and driver or drivers, one shilling and six pence; for every empty wagon or cart, drawn by two or more horses, mules or oxen, with the driver or drivers, the sum of six pence; for every loaded wagon or cart, drawn by two or more horses, mules or oxen, with the driver or drivers, the sum of one shilling; for every cart, chaise or chair, with one horse, and with the person or persons riding or driving the same, nine pence; for every empty cart, with one horse and the driver, four pence; and for every loaded cart, with one horse and the driver, six pence, like money; for every horse, mule or ass, laden or unladen, two pence; for every foot passenger whatsoever, one penny; for every horse and rider, three pence; for every head of oxen or neat cattle, one penny; for every drove of calves, sheep, lambs or hogs, the sum of one half penny per head;

In whom
vested.

Toll.

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for every hogshead of tobacco, rolled over with two horses and driver, six pence.

Duty of owner of said bridge. IV. *And be it further enacted* by the authority aforesaid, That the proprietor or proprietors of the said bridge shall be, and they are hereby, obliged and required, from time to time and at all times, to keep a sufficient number of persons, one at least to be a white man, to attend constantly at the said bridge, as well by night as by day, that passage may be had over the same, as occasion may require. And in case any person or persons going to the said bridge in order to pass the same, either by him or themselves, or with any vehicle, carriage or other article or thing whatever, after tendering the pontage or toll hereinbefore appointed for passing the said bridge, shall be wilfully retarded or delayed, the said proprietor or proprietors shall pay to such person or persons, the sum of five shillings for every quarter of an hour that he, she or they shall be so retarded or delayed. Which penalty and forfeiture shall be recoverable, upon the oath of the party complaining, or any other credible witness, before any magistrate or justice of the peace of the district. *Provided*, that complaint thereof be made within twenty days, but not after.

Who may pass free. V. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief of the State for the time being, all ministers of the Gospel, and all persons going to and from places of divine worship, or going to or returning from any muster of the militia, or to and from any election for members of the General Assembly, and all persons in time of alarm, expresses and messengers in the service of this State, or the Honorable the President or Congress of the United States, and all members of the House of Assembly, with their servants, riding carriages and horses, going to and returning from the House, and all persons summoned and attending as jurors or witnesses, in any of the courts of this State, be, and they are hereby, exempted from any pontage or toll; any thing hereinbefore contained to the contrary thereof notwithstanding.

Penalty for injuring said bridge. VI. *And be it enacted* by the authority aforesaid, For preventing the wilful and malicious destroying or damaging the said bridge, if any person or persons shall wilfully or maliciously blow up, pull down, burn, or otherwise destroy the said bridge, or any part thereof, or attempt so to do, or in anywise direct or procure the same to be done, whereby the said bridge, or the works thereof, may be damaged; or the lives of passengers endangered, every such offender or offenders, being lawfully convicted thereof, shall be adjudged guilty of a misdemeanor, and be liable to fine and imprisonment, at the discretion of the court.

VII. And for preventing any damage or mischiefs that may be done and committed by any evil minded or disorderly persons rowing, navigating or managing pettiaugas, boats or rafts in or upon the said Edisto river, and to the end that the masters and owners of pettiaugas, boats and rafts, may be more careful therein, *Be it enacted* by the authority aforesaid, That every master and masters, owner and owners, of pettiaugas, boats or rafts, shall be, and is and they are hereby, made liable to make pecuniary satisfaction for any damage or mischief that shall be so done; - to be recovered by action at law in any court of record in this State.

Said bridge not to be taxed. VIII. *And be it further enacted* by the authority aforesaid, That the said bridge shall not be rated or assessed for or towards the payment of any parochial tax whatsoever, nor shall the said bridge and causeway, or any part thereof, or either of them, be deemed to belong to or be within any parish, but shall be extra parochial; to all intents and purposes whatso-

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ever; and the said bridge shall not be deemed a parish bridge, so as to subject the inhabitants of the parish or county to the repairing or supporting the said bridge or causeway.

IX. And *whereas*, the said bridge may, in time to come, receive such damage by unforeseen accidents, that the passage thereof may for some time become dangerous or impracticable. *Be it therefore enacted* by the authority aforesaid, That in all such cases, it shall and may be lawful for the proprietor or proprietors of the said bridge for the time being, and he and they are hereby obliged, from time to time, as often as occasion shall require, to provide a proper and convenient ferry boat or boats, to cross the said river, as he or they may judge to be most proper and convenient, and as near the said bridge as conveniently may be, and there to take, for passage over the said river by such ferry or ferries, such rates and duties as are granted by this Act for the toll or pontage aforesaid; *provided* that such ferry or ferries shall not continue for any longer time than shall be necessary for repairing or rebuilding the said bridge. *And provided also*, that in case the proprietor or proprietors of the said bridge shall, at any time hereafter, neglect or refuse to rebuild or repair the said bridge and causeway for the space of six months, he or they, and every of them, shall, from thenceforth, forfeit his or their right, title, or property and interest of, in or to the said bridge, and the tolls and duties hereby granted to him or them for pontage or passage over the same, shall cease and determine; any thing herein contained to the contrary notwithstanding. *And provided also*, that in case the said bridge shall at any time hereafter be rebuilt, and at any time when the said bridge or causeway shall be repaired, if any one or more of the said proprietors shall neglect or refuse to pay his or their proportionable part or parts of the expense thereof, for the space of three months after public notice given thereof at the said bridge, and in the public Gazette for three weeks, then every such proprietor and proprietors so neglecting or refusing, shall forfeit his and their right, title, property and interest of, in and to the said bridge, and the tolls and duties hereby granted for pontage or passage over the same, to the person or persons who were at the expense of rebuilding the said bridge, or repairing the said bridge or causeway; any thing herein contained to the contrary notwithstanding.

In case of damage by freshets, &c.

X. *And be it further enacted* by the authority aforesaid, That the parts or proportions of the profits, as well as the expenses, of the proprietors of the said bridge may be better ascertained, that as soon as the said bridge and causeway shall be finished, the commissioners hereinafter appointed, or any three or more of them, shall have power and authority, and they are hereby fully impowered, authorized, enjoined and required, to give every person who shall contribute toward defraying the charge of building and making the said bridge and causeway, (or his or their executors or administrators, in case such person shall happen to be deceased,) an instrument in writing, under their hands and seals, to the following effect, to wit:

Shares, how to be apportioned.

“ By _____ commissioners of the toll bridge over Edisto river. These are to certify, that A B, having contributed the sum of _____ towards the defraying the charges of erecting the said toll bridge, and making the causeway leading to the same, is therefore entitled to one _____ part of the monies which will accrue by the tolls or duties granted by law for passing the said bridge; to hold the said _____ part of the monies accruing by the said tolls or duties, to him the said A B, his

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heirs and assigns, for the term of twenty-one years, upon condition that the said bridge and causeway are constantly kept in repair by the proprietors of said bridge; and he, the said A B, his heirs and assigns, shall and do well and truly pay part of the charges of such repairs as shall, at any time or times hereafter, be made to the said bridge or causeway, pursuant to the directions of the Act of the General Assembly in that case made and provided. As witness our hands and seals, this day of

Vacancies.

XI. *And be it further enacted* by the authority aforesaid, That in case of the death, removal or resignation of any of the said commissioners, it shall and may be lawful for his Excellency the Governor for the time being, to fill up such vacancy.

Public Act.

XII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and be judicially taken notice of as such by all judges, justices and other persons whatsoever, without specially pleading the same.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1565. AN ACT TO EXTEND THE TIME FOR REBUILDING THE BRIDGE OVER ASHLEY RIVER, WHICH WAS VESTED IN THE LATE COL. RICHARD HAMPTON, HIS HEIRS AND ASSIGNS, BY ACT OF THE LEGISLATURE.

Preamble.

WHEREAS, John Ewing Colhoun and William Fishburne, Esquires, nominated executors of the last will and testament of the late Richard Hampton, Esquire, deceased, have presented a petition setting forth the sufficient reasons why the time prescribed and limited in and by the Acts of the Legislature, for rebuilding the bridge over Ashley river, vested by law in the said Richard Hampton, and his heirs and assigns, which hath been lately destroyed, should be extended.

Time extended
for rebuilding
bridge over
Ashley river.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the time so prescribed and limited for rebuilding the said bridge, in and by the Acts of the Legislature in such case made and provided, be extended to the term of two years, to commence immediately from and after the passing of this Act; and the representatives of the said Richard Hampton, deceased, shall not be liable to any penalty or forfeiture for not rebuilding the same within that time; any law to the contrary thereof notwithstanding.

II. *And whereas*, the navigation of the said river is very materially injured, by a tedious detention of vessels at the said bridge, and the passing over the bridge has been and is liable to interruption for a considerable

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time, by reason that it cannot be passed over while the floor is elevated for the passage of vessels; and as it is represented that the draw part of the said bridge was injudiciously placed heretofore, *Therefore, be it enacted* by the authority aforesaid, That the proprietor or proprietors thereof be obliged to procure and keep in good condition, proper and sufficient anchors, with chains and buoys, and ropes affixed thereto, and placed in proper positions, on each side of the bridge, near the draw, in order to enable vessels to drag through and pass without detention, and with speed, safety and convenience; and that the draw be placed in such part of the bridge as will be most conducive to public convenience; and that James Simons, William Bellinger and Lewis Morris, be added as commissioners, to John Lloyd, John Rutledge, Richard Hutson, James Ladson, Charles Drayton, John Mathews and Edmund Bellinger, commissioners named and appointed in and by the Act passed the tenth day of March, one thousand seven hundred and eighty-four, to see that the said bridge be rebuilt, and ascertain the proper places for the draw, anchors, buoys, chains and ropes, according to law. And in case the proprietors of the said bridge shall refuse or neglect to comply with the above requisitions, for four weeks after being warned thereto, by either of the above named commissioners, he, she or they shall forfeit all right to receive any toll on account of the said bridge, until he, she or they shall comply with the above requisitions.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO EXTEND THE TIME ALLOWED BY LAW TO WADE HAMPTON AND JOHN COMPTY, RESPECTIVELY, FOR BUILDING BRIDGES OVER THE CONGAREE AND BROAD RIVERS. No. 1567.

WHEREAS, Wade Hampton was authorized by Act of the General Assembly, passed the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, to erect a bridge over Congaree river, at a place called Fridig's ferry, with exclusive privileges annexed to said grant, with a condition thereunto annexed, that the said Wade Hampton, his executors, administrators or assigns, should be obliged to erect the said bridge within the term of two years. And *whereas*, after the said Wade Hampton had nearly completed the said bridge, the same was swept away and destroyed by an unusually high flood. And *whereas*, John Compty, by a clause in the Act above referred to, was in like manner authorized to erect a bridge over Broad river, near the confluence of Broad and Saluda rivers, opposite his own land, with similar privileges and conditions annexed to his grant, which bridge was also nearly completed, and was swept away and destroyed by the same flood, and at the same time

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with the said Wade Hampton's; and as it is but just and reasonable that the time for rebuilding said bridges should be extended,

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the said Wade Hampton, and for the said John Compy, to erect and rebuild their respective bridges, on or before the first day of January, which will be in the year of our Lord one thousand seven hundred and ninety-five. And if the said bridges, or either, are erected or rebuilt within the time prescribed by this Act, the owner or owners thereof shall be deemed and taken to have fully complied with the terms of his or their grant or grants; any thing therein contained to the contrary hereof notwithstanding.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1569. AN ACT TO ALLOW JOHN CLEMENT TO TAKE AND RECEIVE THE SAME RATES OF FERRIAGE AS HAVE BEEN HERETOFORE TAKEN, FOR THE TERM OF SEVEN YEARS, AFTER THE EXPIRATION OF THE PRESENT TERM; AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, John Clement has, at a considerable expense and labour, made a causeway of considerable length across a marsh on Cooper river, opposite the place where Clement's ferry now is.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said John Clement, his heirs and assigns, shall be, and they are hereby, authorized to take and receive the same rates of ferriage as have been heretofore taken at the said ferry, for the term of seven years, after the expiration of the present term.

II. *And be it enacted* by the authority aforesaid, That the said John Clement, his heirs, executors, administrators or assigns, shall have permission to stretch a rope as well across Clouter's creek as Cooper river, for the convenience of his ferry boats. *Provided nevertheless*, that the same shall be let down at night, and as often in the day as the navigation of boats and vessels in the said river shall require. And that the said John Clement, his heirs and assigns, shall be, and they are hereby, empowered to erect a bridge over Clouter's creek, provided the same shall not impede the navigation of boats and vessels going through or in the same.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

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AN ACT FOR LAYING OUT CERTAIN ROADS, ESTABLISHING CERTAIN FERRIES AND TOLL BRIDGES; AND FOR OTHER PURPOSES THEREIN MENTIONED. AND ALSO, TO CONTINUE IN FORCE THE LAWS FOR REGULATING THE MILITIA OF THIS STATE. No. 1570.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a public ferry shall be, and is hereby, established on Saluda river, at the plantation of Ann Rall; and that the said ferry shall be, and is hereby, vested in the said Ann Rall, her heirs and assigns, for the term of fourteen years; and that it shall and may be lawful for the said Ann Rall, her heirs, executors, administrators or assigns, to take and receive the following rates of ferriage, and no other, viz.—for every foot passenger, two pence; for a led horse, two pence; for a man and horse, four pence; for a wagon and team, two shillings and four pence; for other four wheeled carriages and horses, two shillings and nine pence; for a chair or cart, with one horse, one shilling and two pence; for each head of black cattle, hogs, sheep or goats, one penny; and for each rolled hoghead of tobacco, eight pence. And that a public road shall be laid out on the south side of said river, from the said ferry by Godfrey Dryher's mill, to intersect the public road to Granby; and on the north side, from the said ferry, to fall into the public road leading to Lee's ferry; and that John Draft, George Monck and Godfrey Trier, be commissioners on the south side, and Thomas Rall, George Boughtright and John Swygart, be commissioners on the north side of said river, to lay out and keep the same in repair. Rall's ferry, over Saluda, established.

II. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and hereby is, established on Great Pee Dee, at the plantation of Joseph Burch, and shall be vested in the said Joseph Burch, his heirs and assigns, for the term of fourteen years; and that it shall and may be lawful for the said Joseph Burch, his heirs, executors, administrators or assigns, to take and receive the following rates, and no other, viz.—when the waters are so low as to admit of crossing the river only by short ferry—for every foot passenger, two pence; for each led horse, two pence; for a man and horse, four pence; for a wagon and team, or other four wheeled carriages and horses, three shillings and six pence; for a chair or cart, with one horse, one shilling and six pence; for each head of black cattle, hogs, sheep or goats, one penny—and double the said rates when the overflowing of the said waters makes a long ferry necessary. And that a public road shall be laid out from Godbolt's causeway, on Cat-fish creek, the nearest and best way, to the Warhee Bluff, and from thence to the said ferry; and from the said ferry, on the south-west side of Pee Dee, to where the same shall intersect the Cheraw road. And that another road shall be laid out, leading from the road that goes up on the east side of Cat-fish creek, to cross the said creek at Oak Island; and from thence, the nearest and best way, to the Warhee Bluff; and from thence, to be continued to where the same shall intersect the Pee Dee old road, on the north east side of Pee Dee aforesaid; and that John McRee and Henry Futhy, in addition to the present board of commissioners for Liberty county, be, and they are hereby appointed, commissioners to lay out and keep the said roads in proper repair; that all male inhabitants, liable to work on public roads, that live within five miles on the south east side of said road leading by Oak Island, and that all male inhabitants, liable as aforesaid, who Burch's ferry, over Pee Dee.

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live within one mile on the north-west side of said creek, be, and they are hereby declared, liable and compellable to work on the said roads any number of days not exceeding twelve days in each year; and that all male inhabitants, liable as aforesaid, within five miles of the road leading from Godbolt's to Warhee's Bluff, be, and they are hereby, compellable to work on said road any number of days not exceeding twelve days in one year.

Comm'rs. for
Prince George,
their powers
extended.

III. And *whereas*, by an Act of the Legislature, passed the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and entitled "An Act for establishing the upper line between the parishes of Prince George, Prince Frederick and Liberty county," the lines of the said parish of Prince George have been extended, without extending the powers of the commissioners of the roads within the same, as far as the line of the said parish. *Be it therefore enacted* by the authority aforesaid, That the commissioners of the roads within the said parish of Prince George, shall be, and are hereby, vested with all such powers in the said parish, as other commissioners of roads are generally vested with, and shall have the authority to add to their present number a certain number of commissioners equal to that of those who were formerly appointed in that part of Williamsburg now added to Prince George, by the extending of the abovementioned line; and further, that the commissioners of the roads for the said parish, and the commissioners of Williamsburg, shall divide between them, into equal parts, all that road leading from Lenud's ferry, on Santee, to Britton's ferry, on Pee Dee, and dividing the said parish and county, and mutually work upon the same.

Black river.

IV. And *whereas*, also, an Act of the Legislature, passed the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and entitled "An Act for opening and improving the navigation of Great Pee Dee, Wateree, Congaree, Broad river, Savannah, Keowee, Tugaloo, Black river, and others," so far as it respects the limits for working upon Black river, does not appear sufficiently extensive. *Be it therefore enacted* by the authority aforesaid, That all persons residing within six miles of the said river, shall be liable to work upon the same, in the manner, and under the fines and penalties, mentioned in the said Act. And also, that Robert McConnell and John McClany, Esquires, be added to the present number of commissioners for opening and improving the navigation of the said river.

Road from
Cathaway's
ferry to Gib-
son's.

V. And *be it enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from Cathaway's ferry, on Great Pee Dee, to Gibson's ferry, on Little Pee Dee; and that Cornelius Mandeville, George Cherry, Francis Kennedy, Philip Bethay, James Graves and Stephen Gibson, be, and they are hereby appointed, commissioners for laying out the said road, and keeping the same in repair; and are hereby fully authorized to call out the male inhabitants, from sixteen to fifty years of age, residing within four miles of said road, to work thereon, for any number of days not exceeding twelve in one year.

From Hamp-
ton's bridge
to White
Ponds.

VI. And *be it enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from Colonel Wade Hampton's bridge, on Savannah river, opposite Augusta, to the White Ponds; and that Walter Robinson, John Lowe and Joseph Red, be, and they are hereby appointed, commissioners for laying out the said road and keeping the same in repair; and are hereby fully authorized to call out all the male inhabitants, from sixteen to fifty years, residing within ten miles of said

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road, to work thereon for any number of days not exceeding twelve in one year.

VII. And *whereas*, by an Act of the General Assembly, ratified on the twenty-seventh day of February, one thousand seven hundred and eighty-eight, commissioners were appointed to lay out and keep in repair a road leading from the lower bridge, on Black river, to Lenud's ferry, on Santee. And by another Act of the General Assembly, passed the thirteenth day of March, one thousand seven hundred and eighty-nine, the said commissioners were authorized to call out all the male inhabitants, from the age of sixteen to fifty years, within eight miles of the same, to work on the said road. And *whereas*, the proportion of inhabitants liable to work on the said road has been so large as to cause the other roads in the parish to be too much neglected. *Be it therefore enacted* by the authority aforesaid, That the above recited Acts be so far repealed as to take away the exclusive right of the said commissioners to call on all the male inhabitants of the age prescribed by law within the above named distance; and that the said commissioners be added to the board of commissioners of the upper part of Prince Frederick's parish; and that the said road be put on the same footing as the other public roads in the said parish; any law, usage or custom to the contrary thereof in any wise notwithstanding. Two Acts partly repealed.

VIII. And *be it further enacted* by the authority aforesaid, That a public road shall be laid out from Orangeburgh, the nearest and best way, to James Johnston's bridge, on South Edisto; and from thence, to be continued to Col. Wade Hampton's bridge, at Augusta; that James Johnston, Simeon Cushman and William Prigh, be commissioners to lay out and keep the same in repair. That a public road shall also be laid out from Col. Richard Hampton's bridge, on Saluda, at the place called Waters's ferry, to the bridge of the said James Johnston, on South Edisto; and from thence by the White Ponds, to the Two Sisters, on Savannah river; and that William Adams, James Johnston and Walter Robinson, be commissioners to lay out and keep in repair that part of the road from Hampton's to Johnston's bridge aforesaid; and that all male inhabitants, from sixteen to fifty, who live within ten miles of the said two respective roads, be liable to work on them respectively, not exceeding twelve days in each year. Roads to Johnston's bridge.

IX. And *be it enacted* by the authority aforesaid, That it shall and may be lawful for Thomas Chappel to build and keep in repair a good and sufficient bridge across Saluda river, at the plantation of the said Thomas Chappel; and that the said bridge shall be vested in the said Thomas Chappel, his heirs and assigns, for the term of twenty-one years; reserving, however, the power to the Legislature to regulate the said bridge, and to limit as well the rates of pontage as all other matters relating thereto, in every term of seven years; and that the said Thomas Chappel, his heirs, executors, administrators or assigns, shall take and receive the following rates and tolls, and no other, to wit:—for every foot passenger, one penny; for every led horse, one penny; for every chair or chariot, with one horse, one shilling and two pence; for a man and horse, three pence; for every wagon and team, or other four wheeled carriage, with horses, two shillings and four pence; for every rolling hogshead of tobacco, eight pence, including the horses and driver; for every head of black cattle, hogs, sheep or goats, passing over, one half penny. Chappel's ferry, over Saluda.

X. And *be it enacted* by the authority aforesaid, That the ferry kept by Robert Swansey, across Saluda river, at the place called Swansey's ferry, shall be, and the same is hereby, established and vested in the said

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ferry, over
Saluda.

Robert Swansey, his heirs and assigns, for the term of fourteen years; and that the said Robert Swansey, his heirs, executors, administrators or assigns, shall keep at the said ferry good and sufficient boats and attendance during the said term; and that it shall and may be lawful for the said Robert Swansey, his heirs, executors, administrators or assigns, to take and receive the following rates of ferriage, and no other, viz.—for every foot passenger, one penny; for every led horse, one penny; for a man and horse, three pence; for a wagon and team, or other four wheeled carriage, with horses, two shillings and four pence; for every chair or cart, with one horse, one shilling and two pence; for every rolling hogshead of tobacco, including the horses and driver, eight pence; for each head of black cattle, hogs, sheep or goats, passing over, one half penny.

Toll at Bridge
over Edisto.

XI. And *whereas*, the commissioners appointed to superintend the building of a toll bridge across Edisto river, in the county of Orange, from some place at or near the Old Mill Seat, have certified that the pontage or toll, fixed by the law establishing the same, is inadequate to the expense and labor of the aforesaid work. *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for the proprietor or proprietors of the said bridge for the time being, from time to time, and at all times, after it shall be fit for use, to ask, demand, receive and take, to and for his and their own proper use and behoof, as pontage or toll, before any passage over the said bridge shall be permitted, the several sums following, in lawful sterling money of this State. For every wagon and team, or other four wheeled carriage and horses, one shilling and six pence; for every two wheeled carriage and horses, and cart and horses, one shilling; for every foot passenger or horse, two pence; for every man and horse, four pence; for every rolling hogshead of tobacco and horses, six pence; for every head of neat cattle, two pence; for every drove of calves, hogs, sheep or goats, one penny per head.

Roads.

XII. *And be it further enacted* by the authority aforesaid, That a public road to be opened and laid out, from a place at or near where Charles Williamson's old road intersects the Long Cane Road; and from thence, the nearest and best way, to Edgefield Court House; and from thence, to intersect the Long Cane road, about half a mile below John Frazier's. And also, that part of the new road which leads from Augusta to the Island Ford, on Saluda river, be made to pass by Edgefield Court House, beginning at the plantation of the said John Frazier; and from thence to intersect the new road between the Court House and Samuel Landron's.

XIII. *And be it enacted* by the authority aforesaid, That a public road be laid out leading from Cannon's bridge, the most direct, nearest and best way, through the Saltcatchers, to the Two Sisters's Ferry, on Savannah river. And that Robert Brown, Edward Kennedy, and Henry Zorn, jr, be, and are hereby appointed, commissioners to lay out and keep the said road in good order and repair.

Ferry over Little
Peedee, at
Elirsee's.

XIV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Little Peedee river, at the place called and known by the name of Elirsee's landing; and that the same be vested in Richard Gallevan, his heirs, executors, administrators and assigns, for the term of fourteen years. And that the said Richard Gallevan, his heirs, executors, administrators and assigns, shall, during the said term, be entitled to receive and take the following rates of ferriage, and no other, that is to say:—for every wagon and team, or other four wheeled carriage with horses, two shillings; for every chair or cart with one horse,

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one shilling; for each head of black cattle, sheep, hogs or goats, swam or ferried over, one half penny; for man and horse, two pence; for each passenger on foot or led horse, one penny.

XV. *And be it further enacted* by the authority aforesaid, That a public road be opened and laid out, the nearest and best way, from the ferry last abovementioned, to the old road leading up and down the river last abovementioned, on the west side of the said river. That the said road be kept in repair by the inhabitants of Liberty county. And that Colonel Hext Giles, and Robert Donnam, in addition to the other commissioners of the roads in that county, be appointed commissioners for laying out the said road and keeping the same in repair.

XVI. *And be it further enacted* by the authority aforesaid, That another public road be opened and laid out, the nearest and best way, from the ferry last abovementioned, eastwardly, to the road leading up and down the said river. To be kept in repair by the inhabitants of Kingston county. And that Samuel Foxworth, William Hemmingway, John Rodgers, William Nester, and Joseph Graham, be appointed commissioners for laying out the said road and keeping the same in repair.

XVII. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Savannah river, at the place where a ferry has been heretofore held by John Sharpe; and that the said ferry shall be vested in John Oliver, his heirs and assigns, for the term of fourteen years. And that it shall and may be lawful for the said John Oliver, his heirs, executors, administrators and assigns, to take and receive the following rates of ferriage, and no other, that is to say:—for a wagon and team, or other four wheeled carriage with horses, three shillings; for a chair or cart, with one horse, one shilling and six pence; for man and horse, four pence; for each passenger on foot or led horse, two pence; for each head of black cattle, hogs, sheep or goats, ferried or swam over, one penny; for each rolled hoghead of tobacco, with horses and driver, seven pence.

Oliver's Ferry,
on Savannah.

XVIII. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established across the Wateree river, in the name and at the plantation of John Mickle. And that the said John Mickle shall be entitled to receive the following rates of ferriage, and no other, to wit:—for a wagon and team, or other four wheeled carriage and horses, three shillings and six pence; for every chair or cart with one horse, one shilling and six pence; for a man and horse, four pence; for each foot passenger or led horse, two pence; for each head of cattle, hogs, goats or sheep, ferried or swam over, two pence. And shall hold the same to his heirs, executors, administrators and assigns, for the term of fourteen years.

Mickle's Ferry,
over Wateree.

XIX. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Broad river, about six miles from Pinckney Court House, at the plantation of John Bankhead; and that the said ferry shall be vested in the said John Bankhead, his heirs, executors, administrators and assigns, for the term of fourteen years. And that the said John Bankhead shall be entitled to receive the following rates of ferriage, and no other, that is to say:—for a wagon and team, or other four wheeled carriage and horses, two shillings and four pence; for a chair or cart with one horse, one shilling and two pence; for man and horse, four pence; for each hoghead of tobacco, rolled with horses and driver, seven pence; for each passenger on foot or led horse, two pence; for each head of black cattle, sheep, hogs or goats, ferried or swam over, one penny.

Bankhead's
ferry, over
Broad river.

XX. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established across Broad river, from the plantation of

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Ferry over
Broad river,
vested in Ham-
ilton and
Sharpe.

David Hamilton, on the one side, to William Sharpe, on the other side of the said river; and that the said ferry be vested in the said David Hamilton and William Sharpe, for the term of fourteen years. And that the said David Hamilton and William Sharpe, their heirs, executors, administrators and assigns, shall be entitled to receive and take at the said ferry the following rates, and no other, that is to say; for every wagon and team, or other four wheeled carriage with horses, two shillings and four pence; for every cart or chair with one horse, one shilling and two pence; for every hogshead of tobacco, rolled with horses and driver, seven pence; for man and horse, four pence; for each passenger on foot or led horse, two pence; for each head of black cattle, sheep, hogs or goats, ferried or swam over, one penny.

Beaufort's and
Tilman's ferry,
over Broad
river.

XXI. *And be it further enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established over Broad river, nearly opposite to Pinckneyville, on lands belonging to Warren Beaufort and Edward Tilman; and that the said ferry shall be, and is hereby, vested in the said Warren Beaufort and Edward Tilman, their heirs, executors, administrators and assigns, for the term of fourteen years. And the said Warren Beaufort and Edward Tilman, their heirs, executors, administrators and assigns, shall be, and they are hereby, entitled to receive the following rates of ferriage, and no other, that is to say:—for every wagon and team, or other four wheeled carriage with horses, two shillings and four pence; for each hogshead of tobacco, rolled with horses and driver, seven pence; for a chair or cart with one horse, one shilling and two pence; for a man and horse, four pence; for each passenger on foot or led horse, two pence; for each head of black cattle, sheep, hogs or goats, ferried or swam over, one penny.

Childs's ferry,
over Saluda.

XXII. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established over Saluda river, at the plantation of Jonathan Childs; and that the same be vested in the said Jonathan Childs, his heirs, executors, administrators and assigns, for the term of fourteen years. And that the said Jonathan Childs, his heirs, executors, administrators and assigns, shall be entitled to receive and take the following rates of ferriage, and no other, that is to say:—for every wagon and team, or other four wheeled carriage with horses, two shillings and four pence; for every chair or cart with one horse, one shilling and two pence; for each head of black cattle, sheep, hogs or goats, ferried or swam over, one penny; for man and horse, four pence; for each passenger on foot or led horse, two pence; for each hogshead of tobacco, rolled with horses and driver, seven pence.

Road from
Evans's to
Groce's.

XXIII. *And be it enacted* by the authority aforesaid, That a public road be opened and laid out, the nearest and best way, from Evans's Boat-yard, on Great Peedee, to Groce's ferry, on Little Peedee. And that Aaron Pierson, Sen., James Conner, and Lewis Conner, be appointed commissioners for laying out said road and keeping the same in repair. And that the County court of Marlborough shall, from time to time, direct and appoint the persons to work thereon. And that such part of an Act, passed the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, as relates to a road leading from said Evans's Boat-yard to Swinney Bluff, on Little Peedee, be, and the same is hereby, repealed.

XXIV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out from John Maxwell's road, on Saluda river, the nearest and best way to Benjamin Mitchell's; and from thence to the town

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of Columbia. And that Benjamin Mitchell and Samuel Rosmond be, and they are hereby appointed, commissioners for laying out the said road and keeping the same in repair.

XXV. *And be it further enacted* by the authority aforesaid, That the road now known and distinguished by the name of Gaillard's, be established, ^{Sundry roads} and is hereby declared a public road. And that Elisha Mallard, John ^{established.} Joiner, John Stuart, James Rowshan Stuart, and Edward Lynes, be appointed commissioners to keep the same in repair.

XXVI. *And be it further enacted* by the authority aforesaid, That a public road be opened and laid out, the nearest and best way, from Buford's Bridge, on Saltcatcher river, to Smart's Meeting House, on Coosawhatchie; and from thence to the Two Sisters's ferry, on Savannah river. And also, that a public road be opened and laid out, the nearest and best way, from Smart's Meeting House aforesaid, to the Court House of Beaufort District. And that William Buford, Richard Creech, James Smart, John Chisholm, and Elias Robert, be appointed commissioners for laying out the said road and keeping the same in repair.

XXVII. *And be it further enacted* by the authority aforesaid, That a public road be opened and laid out, the nearest and best way, from the Sandy Bluff, on Little Peedee river; and from thence, the most direct course, to intersect a road leading from Little river, in North Carolina, across Waccamaw river; and from thence to Richard Fowler's, living on the line which divides this State from that of North Carolina. And that Samuel Foxworth, William Hemmingway, John Rodgers, William Norton, and Joseph Graham, be appointed commissioners for laying out the said road and keeping the same in repair. And all persons liable by law, living within five miles of the said road, shall be obliged to work on the same.—*Provided*, nothing herein contained shall extend to oblige persons living below Aaron Menshaw's Ford, on the Lake Swamp, to cross the said swamp to work on the said road.

XXVIII. *And be it further enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Black Mingo Creek, at the planta- ^{Baxter's ferry,} tion of James Baxter; and that the same be vested in the said James Bax- ^{over Black} ter, his heirs, executors, administrators and assigns, for the term of four- ^{Mingo.} teen years. And that the said James Baxter, his heirs, executors, administrators and assigns, during the said term, shall be entitled to receive and take the following rates of ferriage, and no other, that is to say:—for every wagon and team, or other four wheeled carriage with horses, two shillings and four pence; for every chair or cart with one horse, one shilling and two pence; for each head of black cattle, sheep, hogs or goats, swam or ferried over, one penny; for man and horse, four pence; for each passenger on foot or led horse, two pence.

XXIX. *And be it further enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Little Peedee river, at the plantation ^{Gibson's ferry,} of Stephen Gibson; and that the same be vested in the said Stephen Gibson, ^{over Little} his heirs, executors, administrators and assigns, for the term of fourteen ^{Peedee.} years. And that the said Stephen Gibson, his heirs, executors, administrators and assigns, shall be entitled, during the said term, to receive and take the following rates of ferriage, and no other, that is to say:—for every wagon and team, or other four wheeled carriage with horses, two shillings; for every chair or cart, with one horse, one shilling; for each head of black cattle, sheep, hogs or goats, swam or ferried over, a half penny; for

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bridges, over
Four Holes
Creek.

man and horse, two pence ; for each passenger on foot or led horse, one penny.

XXX. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for George Mucinfuse to build and keep in repair two good and sufficient bridges, at the lower end of the Four Holes Creek, one over the said creek, and the other over a run passing through the causeway, communicating with them both ; and that the said bridges shall be vested in the said George Mucinfuse, his heirs and assigns, for the term of twenty-one years. And that it shall and may be lawful for the said George Mucinfuse, his heirs, executors, administrators and assigns, to take and receive the following rates and tolls, and no other, that is to say :—for a wagon and team, or other four wheeled carriage with horses, one shilling and two pence ; for a chair or cart with one horse and driver, seven pence ; for a man and horse, two pence ; for each hoghead of tobacco, rolled with horses and driver, seven pence ; for each foot passenger or led horse, one penny ; for each head of black cattle, hogs, sheep or goats, passing over, one half penny.

XXXI. *And be it further enacted* by the authority aforesaid, That no person shall erect any bridge or keep any private ferry within three-miles of the bridge now established on Edisto river and vested by law in James Jackson, either above or below the said bridge on the said river.

Ferry over
Peedee, at
Cashua.

XXXII. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and hereby is, established on Great Peedee, at a place called Cashua ferry, in Cheraw district ; and that it shall and may be lawful for the proprietors of the lands on which the said ferry is hereby established, their heirs, executors, administrators or assigns, to take and receive the following rates, and no other, that is to say :—for every foot passenger, two pence ; for every led horse, two pence ; for a man and horse, four pence ; for every wagon and team, or other four wheeled carriage with horses, four shillings and eight pence ; for a chair or cart with one horse, one shilling and six pence ; for each head of black cattle, hogs, sheep or goats, ferried or swam over, one penny.

Ferry over Sa-
luda, at May-
son's.

XXXIII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established across Saluda river, at the place called the Island Ford, near Colonel James Mayson's ; and that the said ferry shall be vested in the said James Mayson and James Criswell, their heirs and assigns, for the term of fourteen years. And that it shall and may be lawful for the said James Mayson and James Criswell, respectively, and for their respective heirs, executors, administrators and assigns, to take and receive the following rates of ferriage, and no other, that is to say :—the said James Mayson to receive ferriage from all persons passing over from the west side of said river, and the said James Criswell from all persons passing over the said ferry from the east side of said river, viz :—for every foot passenger, one penny ; for every led horse, two pence ; for a man and horse, four pence ; for a wagon and team, or other four wheeled carriage with horses, two shillings and four pence ; for a chair or cart, with one horse, one shilling and two pence ; for a rolling hoghead of tobacco, two horses and driver, eight pence ; for each head of black cattle, hogs, sheep or goats, ferried or swam over, one penny.

XXXIV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Broad river, at the confluence of Broad and Pacolet Rivers, in Pinckney district ; and that the said ferry shall be vested in Thomas Wood and James Bankhead, their

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heirs and assigns, for the term of fourteen years. And that it shall and may be lawful for the said Thomas Wood and James Bankhead, their heirs, executors, administrators or assigns, to take and receive the following rates of ferriage; and no other, viz:—for every foot passenger, two pence; for every led horse, two pence; and for every man and horse, four pence; for a wagon and team, or other four wheeled carriage with horses, two shillings and four pence; for a chair or cart, with one horse, one shilling and six pence; for a rolling hogshead of tobacco, eight pence; for each head of black cattle, hogs, sheep or goats, ferried or swam over, one penny.

Ferry over
Broad river, at
Pinckneyville.

XXXV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for William Shaw, Esquire, to build and keep in repair a good and sufficient bridge across Enoree river, at the plantation of the said William Shaw, in Ninety-Six district; *provided*, the said William Shaw is the proprietor, or shall become the proprietor, of the land on both sides of the said river; and that the said bridge shall be vested in the said William Shaw, his heirs and assigns, for the term of twenty-one years. And that the said William Shaw, his executors, administrators or assigns, shall take and receive the following rates or toll, and no other, viz:—for every foot passenger, one penny; for every led horse, two pence; for a man and horse, four pence; for a wagon and team, or other four wheeled carriage with horses, one shilling and six pence; for every chair or cart, with one horse, seven pence; for every hogshead of tobacco, rolled with horses and driver, seven pence; for every head of black cattle, hogs, sheep or goats, one penny.

Bridge over
Enoree, at
Shaw's.

XXXVI. *And be it enacted* by the authority aforesaid, That a public road shall be laid out and kept in good repair, from John Compy's bridge, on Broad river, the nearest and best way, through Newberry county, to Laurens County Court House: and to be continued from thence, a direct course, to Washington Court House, in Washington district. And that the Judges of the County Courts through which said road may pass, shall, at the first meeting thereafter, nominate in their respective county courts, proper persons as commissioners, for the purpose of laying out and keeping said road in repair. And that John Hampton, Spencer Morgan, and Maj. John Adam Sommers, be commissioners for laying out said road from the said bridge to Newberry county line.

Road from
Compy's
bridge to New-
berry C. H.,
&c.

XXXVII. *And be it enacted* by the authority aforesaid, That a public road shall be laid out and kept in repair, from the bridge on the Lower Three Runs, in a direct course, to cross the Upper Three Runs, at a place called Rouss's Ford; and from thence, in the nearest and best way, to the Bluff at the old site of Fort Moore. And that John Green, Joseph Vince, Blunt Fitch, James Jackson, Alexander Newman, and Etheridge Clary, be, and they are hereby appointed, commissioners to lay out and keep in repair the said road. And that all the male inhabitants, between the age of sixteen and fifty, who reside within five miles of the same, shall be liable to work on the said road, any term not exceeding twelve days in each year.

Road from the
Three Runs to
Fort Moore.

XXXVIII. *And whereas*, the Act for establishing a public ferry on a line between the plantation of — Mainville and Thomas Simons, on John's Island, to cross Stono river at the causeway or old landing place, between the plantations of — Guerin and — Simons, in Saint Andrew's Parish, is defective, in not compelling all persons who are to receive the immediate benefit thereof, to contract or assist in forming and making the necessary roads, causeways and bridges leading thereto. *Be it therefore enacted* by

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ferry.

the authority aforesaid, That it shall and may be lawful to and for the commissioners of the roads for Saint John's, Wademaalaw, Keewaw, and Simmons's Island, or a majority of them, to require and compel all the inhabitants of the said island to assist in forming, making and completeing, the necessary roads, bridges and causeways, leading to and from the said established ferry. And that in case any person or persons, inhabitants of any of the said islands, shall neglect or refuse to comply with or obey the orders and summonses of the said commissioners, as far as respects the forming, making and completeing the said roads, bridges and causeways, they shall be subject to, and are hereby declared to be subject and liable to, all the fines, pains and penalties, and be proceeded against by the said commissioners, in the same way and manner as they are by the laws of the State directed to proceed against defaulters refusing or neglecting to work on the other public roads.

McCord's
ferry.

XXXIX. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Congaree river, at the place called McCord's Ferry; and that the same shall be vested in David McCord, his heirs and assigns, for the term of fourteen years. And that it shall and may be lawful to and for the said David McCord, his executors, administrators or assigns, to take and receive the following rates of ferriage, and no other, that is to say.—for every foot passenger, two pence; for every head of horses, two pence; for every man and horse, four pence; for a wagon and team, or other four wheeled carriage with horses, three shillings and six pence; for every chair or cart with one horse, one shilling and six pence; for every rolling hogshead of tobacco, eight pence; for every head of cattle, sheep, hogs or goats, one penny. And that when the ferries are long, the aforesaid rates of ferriage be, respectively, doubled.

XL. *And be it enacted* by the authority aforesaid, That the said David McCord shall always, during the said term of fourteen years; keep and maintain a good and sufficient bridge or flat, over the big lake crossing the road leading from the south side of the said ferry, through the swamp; to the high land. Which road shall also be kept in good repair at the expense of the said David McCord.

Comm'rs. for
Lexington.

XLI. *And be it enacted* by the authority aforesaid, That John James Haig, John Hampton, William Fitzpatrick, John Adam Sommers, John Threewits, Jacob Seibles, Godfrey Drehr, Jacob Fulmer, Spencer Morgan, and Joseph Williams, be, and they are hereby appointed, commissioners of the public roads for the county of Lexington, with full powers to appoint overseers for working on the roads, and for calling out the inhabitants who, by law, are liable to work on them. And that Joseph Culpepper, Alexander Blair, and Archibald Jamieson, be appointed commissioners to lay off, and take effectual measures for opening, a road from Granby to Patrick's old place, or red house, by the best and most direct way, with full powers to carry the same into effect, by calling on all the male inhabitants within ten miles of the said road, who shall be compelled to work thereon, not exceeding twelve days in one year, under the usual penalties prescribed by law.

Road from
Granby to
Patrick's.

XLII. *And be it enacted* by the authority aforesaid, That the commissioners hereinbefore mentioned, nominated and appointed, shall be, and are hereby, vested with all the powers and authorities, and shall be subject to the same penalties, as the commissioners of high roads in this State are by law vested with or liable to.

XLIII. *And be it further enacted* by the authority aforesaid, That the several persons in whom the respective ferries hereinbefore mentioned,

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during the time for which their respective ferries are established, shall keep and maintain a good and sufficient boat, with one or more able bodied men to attend the said respective ferries, for transporting passengers; their servants, horses, carriages, cattle, sheep and hogs.

XLIV. *And be it further enacted* by the authority aforesaid, That the President of the United States and his suite, the Governor and Commander-in-chief of this State for the time being, members of both branches of the Legislature, coming to attend and returning from the Legislature, all ministers of the gospel, and other persons going to attend and returning from divine service, all persons necessarily attending on patrol or militia duty, all persons in times of alarm in the part of the State in which such ferries are situated, all expresses to or from this government, their servants and horses, all jurors summoned to attend on any of the courts of this State, all witnesses bound over to give evidence on any prosecution, and their servants and horses, be, and they are hereby, exempted from paying any ferriage, toll or duty, for passing or repassing any of the ferries or bridges established by this Act. Who may pass ferries or bridges free.

XLV. *And be it enacted* by the authority aforesaid, That the old road formerly laid out from the road leading to Slann's bridge to the Beach Hill road, between the lands of William Scott, Charles Cansey Drake and William Postell, is hereby declared and deemed to be a public road; and that the commissioners of the roads in St. George's parish be, and they are hereby, directed and required to open and keep in repair the said road. And that so much of an Act entitled "An Act to alter and amend an Act respecting the high roads and bridges, passed the twenty-second day of March, one thousand seven hundred and eighty-five, and for laying out several new roads, and establishing sundry ferries therein mentioned," as relates to a public road from Coachman's Hill to the Beach Hill road, nearly opposite the Cane Acre road, be, and the same is hereby, repealed. Road from Slann's bridge to the Beach Hill road.

XLVI. *And be it further enacted* by the authority aforesaid, That if the water at any bridge or ferry should be so low as to enable persons with their horses or cattle to ford the same, the proprietors of the ferry or bridge shall not be allowed to take any toll from the person or persons so fording the same. And no old accustomed ford, or the roads leading to or from such fords, within this State, shall be obstructed; and the commissioners of public roads, and the several county courts throughout this State, are hereby required to keep the roads leading to or from such old accustomed fords, open and in good repair. *Provided*, nothing herein contained shall infringe, or be construed to infringe, the charter granted to any companies to promote the inland navigation of this State. Fords not to be obstructed.

XLVII. *And be it enacted* by the authority aforesaid, That the inhabitants who live nearer Lynch's, Jeffrey's and Black creeks than Pee Dee river, are hereby made liable to work on and improve the navigation of said creeks, respectively, agreeable to an Act of the General Assembly, passed the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, for the improvement of the navigation of said creeks; and that John Porter and Abel Goodwin be, and they are hereby appointed, commissioners for improving the navigation of Jeffrey's creek. Lynch's, Jeffrey's and Black creeks to be improved.

XLVIII. *And be it further enacted* by the authority aforesaid, That all the male inhabitants residing within two miles of Jeffrey's creek, liable to do public work, do, and they are hereby made liable to, improve the

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Concerning the militia.

navigation of said creek, from its confluence with Pee Dee as far up said creek as the Cheraw district line.

XLIX. And *whereas*, it is expedient and necessary to continue the Acts for the regulation of the militia of this State, until the Legislature can arrange the militia agreeable to the Act of the United States in Congress, ratified the day of May, one thousand seven hundred and ninety-two. *Be it enacted* by the authority aforesaid, That the Act of General Assembly, entitled "An Act for the regulation of the militia of this State," passed the twenty-sixth day of March, one thousand seven hundred and eighty-four; and the Act entitled "An Act to amend and more effectually put in force, for the time therein limited, the Act entitled an Act for the regulation of the militia of this State, passed the twenty-sixth day of March, one thousand seven hundred and eighty-four," ratified the twentieth day of December, one thousand seven hundred and ninety-one, be, and they are hereby declared to be, continued in full force and operation, until this State shall make permanent arrangement for the regulation of the militia, agreeable to the said Act of the United States in Congress.

L. And *be it enacted* by the authority aforesaid, That all free negroes and Indians; (nations of Indians in amity with the State excepted,) Moors, mulattoes and mestizoes, between the ages of eighteen and forty-five, shall be obliged to serve in the said militia as pioneers, in the several regimental beats in which they reside; and upon neglect or refusal to attend when summoned on duty, they, and every of them, shall be liable to like penalties and forfeitures as privates in the same regiment or company are made liable by law.

LI. And *whereas*, the raising and equipping uniform companies of horse, artillery and infantry in the several regiments of militia of this State, may be greatly conducive to the public service and safety. *Be it therefore enacted*, That it shall and may be lawful for the Colonel, Lieutenant-Colonel, or commanding officer of any regiment, to give leave to equip such and so many corps of horse, artillery and infantry, as they may think advisable. *Provided*, such horse and artillery do not exceed the ratio or proportion directed to be observed by the said Act of Congress, between the corps of horse and artillery, with respect to the number of rank and file in the regiment.

LII. And *be it enacted* by the authority aforesaid, That the officers and privates in any company of artillery, infantry or cavalry, raised and uniformed in any militia regiment of this State, by permission of his Excellency the Governor, or any Colonel, Lieutenant-Colonel or commanding officer of any regiment, or to be hereafter raised, shall be, respectively, liable to all the fines and forfeitures imposed by law on the officers or privates in any regimental or company beat; and that when any person now actually enrolled, or that shall hereafter be enrolled, in any such company, shall be desirous to quit the same, he shall be obliged to give at least thirty days notice of such intention, and shall be obliged also to enroll himself in the company beat in which he resides, and produce a certificate thereof from the Captain or officer commanding such beat, before he shall be permitted to leave the uniform company or corps to which he belonged, or be excused from duty therein.

LIII. And *whereas*, the safety of the city of Charleston requires the calling forth, at certain times and seasons, one or more companies of the militia of the said city. *Be it therefore enacted*, That it shall and may be lawful for the Governor or Commander-in-chief for the time being, or the

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commanding officers of the Charleston regiment for the time being, to call forth, when necessary, such and so many companies or detachments of companies to mount guard in the said city, as to them, respectively, shall appear necessary and proper. *Provided*, that no guard shall be obliged to continue on duty at any one time, (except in case of actual alarm,) more than twenty-four hours on one guard; and all persons duly summoned to turn out on any such guard, who shall not obey, or who shall leave his guard, or otherwise misbehave, shall be liable to pay the same fines and forfeitures as such person would be obliged to pay for default of duty or misbehaviour at any general or regimental muster, by virtue of any law of this State.

In the Senate House, this twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of American Independence.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO REPEAL THE TWELFTH CLAUSE OF AN ACT ENTITLED No. 1604.

"AN ACT TO ALTER AND AMEND AN ACT RESPECTING THE HIGH ROADS AND BRIDGES," PASSED THE TWENTY-SECOND DAY OF MARCH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE, SO FAR AS THE SAID CLAUSE RELATES TO THE BRIDGE CONSTRUCTED OVER EDISTO RIVER, AT JACKSONBOROUGH; AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, sundry persons residing at and near Edisto river, by their petition to the Legislature, have represented that they are greatly aggrieved by the said Act, in as far as that persons passing the said river at the said bridge, with vessels, boats and rafts, are thereby required, under considerable penalty, to drop anchor and drag under the same.

I. *Be it therefore enacted*, by the Honourable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of September next, the said twelfth clause of the said Act entitled "An Act to alter and amend an Act respecting the high-roads and bridges," passed the twenty-second day of March, one thousand seven hundred and eighty-five, as far as it relates to the said bridge constructed as aforesaid, over Edisto river, at Jacksonborough, be, and shall be, repealed.

II. *And be it further enacted* by the authority aforesaid, That as soon as may be convenient after the passing of this Act, the proprietor of the said bridge shall, and he is hereby required to, plank the middle arch of the same, and to place out substantial and ample booms above the said bridge; and in default thereof, the said proprietor shall incur a penalty of one hundred pounds.

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III. And *whereas*, the said proprietor, in order to make the alterations to the said bridge, as required by this Act, must necessarily incur some expense ; in consideration of the same, *Be it therefore enacted* by the authority aforesaid, That the said bridge shall be, and is hereby, vested in the present proprietor, his heirs and assigns, for the further term of ten years, to commence at the expiration of the term for which he now holds the said bridge.

In the Senate House, this twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1617. AN ACT FOR OPENING A PUBLIC ROAD FROM GRANBY TO HAMPTON'S BRIDGE, AT AUGUSTA ; AND FOR ESTABLISHING FOUR TOLL BRIDGES ; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, Alexander Bolling Stark hath been at great trouble and expense in ascertaining the true course from Granby to Augusta, in Georgia, and also, the practicability of a public road on or near a direct line. And *whereas*, such road will be of public utility, and cannot be opened and kept in repair by the inhabitants living only within ten miles thereof.

A. B. Stark
authorized to
make a road
from Granby to
Augusta.

I. *Be it therefore enacted*, by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That immediately after the passing of this Act, Alexander Bolling Stark is empowered, at his own expense, to lay out, open and keep in repair a new road, leading the best and most direct way, from Granby to Hampton's bridge, at Augusta ; and also, to dig and remove banks and earth from the lands contiguous thereto, and to use the timber thereon, in order to make, erect and keep in repair all necessary causeways and bridges on the same road ; and that the bridges so erected across Big Black creek, North Edisto river, South Edisto, and Shaw's creek, are hereby declared to be toll bridges, and to be vested in the said Alexander Bolling Stark, and his heirs and assigns, for the term of twenty-one years from the completion of the same ; and that it shall and may be lawful for the said Alexander Bolling Stark, or his heirs or assigns, to take and receive at each bridge, as a toll, on the whole road, the following rates and tolls, and no other, that is to say :—for every wagon and team, or other four wheeled carriage, twenty-five cents ; for every chair, with one horse and driver, twelve and a half cents ; for every man and horse, seven cents ; for every foot [passenger] or led horse, four cents ; and for every head of cattle, sheep, hogs or goats, one cent. *Provided nevertheless*, that the aforesaid road and toll bridges be completed within the term of two years from the passing of this Act.

II. *And be it further enacted*, That all persons living within ten miles of such road, who shall work thereon six days in the year, in every year,

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with their usual hands, in opening and keeping the same in repair, shall be exempt from paying any tollage at any of the bridges and causeways thereon; and also, all persons who are exempt from paying tolls and ferriages by the twenty-sixth clause of an Act passed the twenty-second of March, in the year one thousand seven hundred and eighty-five, relative to roads, bridges and ferries.

III. *And be it further enacted*, That the said Alexander Bolling Stark, his heirs, executors, administrators and assigns, shall be liable to pay to all persons whomsoever the full amount of any injury to their persons or property, sustained by reason of the badness of any of the roads, causeways or bridges over any branch, creek, river or marsh through which such road shall lead; and also, to pay sixty cents for every hour any person may be hindered or unnecessarily delayed from passing the same road; unless such injury or prevention from passing shall be occasioned by uncommon accident, not in the power of the said Alexander B. Stark to prevent; to be recovered before the nearest magistrate; provided the same shall be sued for in three weeks, or in any court of record in this State.

IV. *And be it further enacted*, That no person shall build any bridge, keep any ferry, or other convenience for crossing over Shaw's creek, between Gibson's bridge below and Day's ford above, the road hereby directed to be laid out, (which said bridge and ford are hereby declared free,) nor over Big Black creek, North Edisto or South Edisto, (except for their own use,) within five miles, on a straight line, of the bridges so to be erected and vested in the said Alexander Bolling Stark, or put any person across the same creeks or rivers, under penalty of paying to the said Alexander B. Stark a dollar for every offence, to be recovered before the nearest magistrate.

V. *And be it further enacted*, That if any person shall wilfully destroy or injure any of the causeways or bridges on such road, or do any other injury to the same, he, she or they so offending, shall pay to the said Alexander B. Stark treble damages, and suffer six months imprisonment, after being convicted thereof.

In the Senate House, the twelfth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

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No. 1626. AN ACT FOR LAYING OUT CERTAIN ROADS AND ESTABLISHING CERTAIN FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a public ferry shall be, and is hereby, established on the Catawba river, at the plantation of Finney McClenahan; and that the said ferry shall be, and is hereby, vested in the said Finney McClenahan, his heirs and assigns, for the term of fourteen years; and that it shall and may be lawful for the said Finney McClenahan, his heirs, executors, administrators or assigns, to take and receive the following rates of ferriage, and no other, viz.—for every foot passenger, four cents; for a led horse, four cents; for a man and horse, seven cents; for a wagon and team, seventy-five cents; for any other four wheeled carriage and horses, seventy-five cents; for a chair or cart, with one horse, twenty-five cents; for each head of black cattle, hogs, sheep or goats, two cents; and for each rolled hogshead of tobacco, twenty-five cents.

II. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on the Catawba river, at the plantation of George Wade, and shall be vested in the said George Wade, his heirs or assigns, for the term of fourteen years; and that he be entitled to the same rates of ferriage as is allowed by law at McClenahan's ferry, on the same river, and be obliged to perform the same duties, and be liable to the same penalties, as are established for and concerning other ferries on the said river; and that no ferry shall be established within four miles of the said ferry.

III. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established on the Wateree river, at the plantation of Henry Rugely, and shall be vested in the said Henry Rugely, for the term of fourteen years; and that he be entitled to the same rates of ferriage as is by law allowed at John Michael's ferry, on the said river; and that he be obliged to perform the same duties, and be liable to the same penalties, as are by law established for and concerning other ferries on the same river.

IV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, to run from Grindol's Shoals, on Pacolet river, by Alexander McBeth's store, in Union village, so as to cross Tiger river, near the mouth of Cain creek, and to intersect the Charleston road at or near Alexander Bookter's bridge, on Enoree river; and that John Savage, Joseph McJunkin and William Sharpe, be, and they are hereby appointed, commissioners for laying out the said road.

V. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Edisto river, at a place known by the name of Rutledge's old ferry, being the property of Charles Dewitt, and shall be vested in the said Charles Dewitt, his heirs and assigns, for the term of fourteen years; and that it shall and may be lawful for the said Charles Dewitt, his heirs, executors, administrators or assigns, to take and receive the following rates, and no other:—for every foot passenger, four cents; for each led horse, four cents; for a man and horse, seven cents; for a wagon and team, or other four wheeled carriage and horses, seventy-five cents; for each head of black cattle, two cents; hogs, sheep or goats, one cent. And that no person shall erect any bridge, or keep any

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private ferry, within three miles of the said last ferry hereby established and vested in the said Charles Dewitt.

VI. *And be it further enacted* by the authority aforesaid, That a public ferry be established at the Sandy Bluff, on Little Pee Dee river; that the same be vested, for the term of fourteen years, in John Campbell, his heirs and assigns; and that the following rates be paid on crossing the same, that is to say:—for every person, four cents; for every head of horses, mules and asses, four cents; for every head of black cattle, sheep, hogs or goats, two cents; for every four wheeled carriage, including the draught creatures, fifty cents; for every two wheeled carriage, including the draught creatures, twenty-five cents; and for every rolled hogshead or barrel, twenty-five cents.

Campbell's
ferry, over Lit-
tle Pee Dee.

VII. *And be it further enacted* by the authority aforesaid, That a public ferry be established over Saluda river, at the mouth of Wilson's creek, on the land of William Anderson, Esquire, and that the same be vested in the said William Anderson, his heirs and assigns, for the term of fourteen years; and that the following rates be paid on crossing the said ferry, that is to say:—for every person, four cents; for every head of horses, mules, asses or black cattle, two cents; for every head of sheep, hogs or goats, one cent; for every wagon and team, or other four wheeled carriage, fifty cents; for every two wheeled carriage and horse, fourteen cents; and for every rolled hogshead or barrel, fourteen cents.

Anderson's
ferry, over
Saluda.

VIII. *And be it further enacted* by the authority aforesaid, That a public road be laid out and opened, to run the nearest and best way, from David Davenport's, on Little river, to Anderson's ferry; and from thence, the nearest and best way, to John Jones's, at the Long Cane and Augusta cross roads; and that Elisha Brooks and Isaac Mitchell, Jun., be commissioners for laying out and opening the said road, on the north side of said ferry; and that Thomas Anderson and Lewis Clarke be commissioners for the same purpose on the south side of the said ferry.

Road.

IX. *And be it further enacted* by the authority aforesaid, That the division line between Abbeville and Edgefield counties shall run agreeably to the line laid down by Patrick Calhoun and William Anderson, Esquires, (commissioners for that purpose lately appointed,) that is to say: from the lower corner of the great survey, on Saluda river, along the line of the said survey, south forty degrees west, eighteen miles and one half, to the southern corner of said survey; and from thence, south thirty-four degrees west, fourteen miles and one half, to Savannah river, at the mouth of Little river; and that the said line, laid down as aforesaid, with all the corners, stations and marks thereof, be recorded in the office of the surveyor general of this State.

Division line
between Edge-
field and
Abbeville.

X. *And be it further enacted* by the authority aforesaid, That a road be laid out from Marr's Bluff to the Willow Creek bridge, crossing Jefferson's creek at the plantation of Mr. Joseph Burk, on said creek; and that John Gregg, John Cooper and John Orr, be commissioners for that purpose.

Sundry roads.

XI. *And be it further enacted* by the authority aforesaid, That a road be laid out from Orangeburgh, a direct course, to the south fork of Edisto river, crossing at Isaac Dyche's free bridge; from thence, crossing Gent's branch, so as to intersect a new road leading to Savannah river; and that Charles Jones, Isaac Dyche, Jeremiah McDaniel, Peter Cullen and George Robinson, Senior, be commissioners for that purpose.

XII. *And be it further enacted* by the authority aforesaid, That George McInfuss, Baltes Mabnit, John Shiders, Isaac Utsey, Samuel Griffis, John

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Milhous, Jun., Samuel Milhous, Charles Dewitt and Thomas Garvin, be, and they are hereby appointed, commissioners for keeping in repair the river road leading from the Orangeburgh line to Givhan's ferry.

XIII. *And be it further enacted* by the authority aforesaid, That a road be laid out, the nearest and best way, from the plantation of William Robinson, through the lands of William Simmons and Jonah Horry, until it intersects the road leading from the said William Simmons's to Ashepoo bridge; and that George Bellinger, Benjamin Postell and James Hamilton, Senior, be appointed commissioners for that purpose.

Ferry over
Saluda, at
Abney's.

XIV. *And be it further enacted* by the authority aforesaid, That a public ferry be established on Saluda river, at Abney's ford; and that the said ferry be vested, for a term of fourteen years, on the north side, in Francis Higgins, and on the south side, in Nathaniel Abney, their heirs and assigns, respectively; and that it shall and may be lawful for the said Nathaniel Abney and Francis Higgins, their executors, administrators and assigns, respectively, to take and receive the following rates of ferriage, and no other:—for every foot passenger, four cents; for each led horse, two cents; for a man and horse, seven cents; for a wagon and team, or other four wheeled carriage and horses, fifty cents; for a chair or cart, with one horse, fourteen cents; for each head of black cattle, two cents; for hogs, sheep or goats, ferried or swam over, one cent.

Sundry roads.

XV. *And be it further enacted* by the authority aforesaid, That a public road be laid out and opened, to run from Brocton's ferry, on Saltcatcher river, to the Sisters ferry on Savannah river, so as to cross Coosawhatchie at or near the mouth of Sanders's branch; and that Captain Weekley, M. John Peepoles, Joseph Lawter, and Jacob Mold, be commissioners for laying out and opening the said road.

XVI. *And be it further enacted* by the authority aforesaid, That a public road be laid out and opened, to run from Pocatigo, the nearest and best way, to the plantation of the late James Smith, so as to cross Duett's branch nearly opposite to the plantation of Peter Banner; and from thence, to run to Crane Savannah, intersecting the Sisters ferry road; and that Capt. Reddinfeld, Peter Banner and M. John Peepoles, be commissioners to lay out, open and keep in repair the said road.

XVII. *And be it further enacted* by the authority aforesaid, That a public road be laid out and opened, to run from Goodwyn's tavern, on Jeffrey's creek, the nearest and best way, to Daniel Myers's; and that Daniel Myers, Zachariah Cato and Lewis Harrill, be commissioners for that purpose.

Talbert's ferry,
over Savannah.

XVIII. *And be it further enacted* by the authority aforesaid, That a public ferry be established on Savannah river, at the plantation of Mrs. Sarah Talbert; and that the said ferry be vested, for a term of fourteen years, in the said Sarah Talbert, her heirs and assigns; and that it shall and may be lawful for the said Sarah Talbert, her heirs, executors, administrators or assigns, to take and receive the following rates, and no other: for every foot passenger, five cents; for each led horse, five cents; for a man and horse, eleven cents; for a wagon and team, or other four wheeled carriage and horses, seventy-five cents; for a chair or cart, with one horse, forty-three cents; for each head of black cattle, two cents; for each head of hogs, sheep or goats, one cent.

Road.

XIX. *And be it further enacted* by the authority aforesaid, That a public road be laid out, to run from Effingham's saw mills, the nearest and best way, to Kingstree Meeting House, on Black river; and that Captain

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John Fulton, Hugh Reid and Needham Lee, be commissioners to lay out, open and keep in repair the said road; and that the aforesaid commissioners be impowered to call out all the male inhabitants liable to work on the public roads, who reside within six miles of the said intended road, to open and clear the same, but for no longer term than twelve days in a year.

XX. *And be it further enacted* by the authority aforesaid, That a public ferry be established on the Catawba river, at a place called the Long Island, and at the lower point of said Island; and that the said ferry be vested, for a term of fourteen years, in John Drennan and Hezekiah Thorne, their heirs and assigns; and that it shall and may be lawful for the said John Drennan and Hezekiah Thorne, their heirs, executors, administrators or assigns, to take and receive the following rates, and no other:—for every foot passenger, four cents; for each led horse, four cents; for a man and horse, seven cents; for a wagon and team, or other four wheel carriage, seventy-five cents; for a chair or cart, with one horse, twenty-five cents; for each head of black cattle, two cents; for each head of hogs, sheep or goats, one cent.

Ferry over Catawba, at Long Island.

XXI. *And whereas*, a petition has been presented to the Legislature, praying they will establish what rates shall be taken at the Two Sisters ferry, upon Savannah river, whenever there may be a fresh. *Be it therefore enacted* by the authority aforesaid, That whenever, by reason of any fresh, it is necessary to cross the river of the aforesaid ferry by long ferry, the following rates shall be paid, that is to say:—for every foot passenger, a quarter of a dollar; for every person on horse-back, three quarters of a dollar; for every two wheeled carriage, or horse in harness, and one rider, one dollar; for every four wheeled carriage and two horses in harness or gears, one dollar and a half; for every head of cattle, ten cents; and for every hog or sheep, five cents.

Rates at Two Sisters ferry.

XXII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established on Savannah river, at Fort Moore Bluff, opposite the Sand Bar; and shall be vested in Thomas Lamar, the proprietor of the land, and his heirs, for fourteen years. At which the following rates shall be paid, that is to say:—for every foot passenger, five cents; for every person on horseback, eleven cents; for every two wheeled carriage, driver and horses drawing the same, fifty cents; for every four wheeled carriage and team, three quarters of a dollar; for every head of horses or cattle, five cents; and for every hog, sheep or goat, two cents.

Ferry at Fort Moore.

XXIII. *And be it further enacted* by the authority aforesaid, That a public ferry be established on Santee River and across Wadbacant Lake, at the plantations, formerly, of Jacob Jeanneret, on the south side of the said river, and of Samuel Jaudon, on the north side of the said Lake, both, at present, the property of Theodore Gourdine; and that the said ferries be vested, for the term of twenty-one years, in the said Theodore Gourdine, his heirs and assigns, who shall keep, in good order, at least one sufficient flat at the river, and another at the lake. And also, make and keep in good repair, the road through the swamp, from the river to the lake, and from the river to the public road near Echaw bridge. And the said Theodore Gourdine, his heirs and assigns, shall be entitled to receive the following rates of ferriage, and no more, that is to say:—for a foot passenger, twenty-five cents; a man and horse, fifty cents; any four wheeled carriage, two dollars; any two wheeled carriage, seventy-five cents; for a led horse, mule or ass, twenty-five cents; for every head of black cattle, ferried or swam

Gourdine's ferry, over Santee.

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over, ten cents; and for every head of hogs, sheep or goats, ferried or swam over, five cents.

Sundry roads.

XXIV. *And be it further enacted* by the authority aforesaid, That a public road be laid out and made, from the ferry on the north side of Wad-bacant Lake, to the public road leading from Lenud's ferry, on Santee river, to Georgetown, and to come into the same at or near Sommer's bridges. And that another road be laid out and made, from the aforesaid lake, the nearest and best way, to the road leading from Lenud's ferry, on Santee river, to the Potatoo Ferry, on Black river. And Edward Thomas, Thomas Boone, and Theodore Gourdine, are hereby appointed commissioners to lay out the same. And after the said roads are laid out, the commissioners of the roads of the parish or parishes through which they shall run, shall, and they are hereby directed to, cause the same to be made and kept in good order and repair, by and at the equal charge and labor of all the male inhabitants, from the age of sixteen to fifty years, and all the male slaves, from and between those ages, of all persons whomsoever, residing within ten miles of the aforesaid roads in the said parishes.

Lynch's causeway.

XXV. *Whereas*, the nineteenth clause of an Act, passed in the year of our Lord one thousand seven hundred and eighty-eight, entitled "An Act to alter and amend an Act respecting high roads and bridges, passed the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-five, and for laying out several new roads, and establishing sundry ferries therein mentioned," has been found inadequate to effect the purposes thereby intended. *Be it therefore enacted* by the authority aforesaid, That the commissioners of the roads for Prince George Winyaw, be, and they are hereby, authorized to contract with any person or persons, to put and keep in repair the causeway between Georgetown and Charleston, known by the name of Lynch's Causeway, for any term not exceeding fifteen years; to whom they shall allow a sufficient toll for their trouble and labor in repairing and keeping the same in good and substantial repair. And the said commissioners are hereby authorized, in case they should not contract as aforesaid, to call out all slaves residing within seven miles of the said causeway in the said parish, liable to work on the public roads, for repairing the same. And the said commissioners are hereby empowered to regulate the tolls over the said causeway; the rates of ferriage over the North Santee, known by the name of Cook's ferry; the rates of ferriage over the South Santee, known by the name of Mayzick's ferry; and the rates of ferriage through the creek known by the name of Push and Go Creek. *Provided*, the rates of ferriage through the said creek, shall not exceed the rates of ferriage over the two rivers added to the toll over the causeway.

Road.

XXVI. *And be it enacted* by the authority aforesaid, That a public road be made from Georgetown ferry, to the Fort on Cat Island. And that Charles Brown, Benjamin Alston, jr., and Maurice Simons, Esquires, be appointed commissioners to lay off and make the same. And that all the slaves liable to work on public roads, shall be bound to work on the same. And the said commissioners shall have the same power to compel the attendance of slaves, that the commissioners of roads have.

Commissioners for Claremont and Clarendon.

XXVII. *And be it further enacted* by the authority aforesaid, That four commissioners shall be appointed in the county of Claremont, and four commissioners in the county of Clarendon, as joint commissioners of roads and bridges, with the judges of the said counties. And that any four of them shall be a board to do the business now in the power of the judges of said

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counties. Which commissioners shall attend to the business of the said counties, at such times and places as is prescribed by law for holding the county courts. And that Joseph Atkinson, John Moore, Sen., James Ram-
bert, and Richard Singleton, be the above commissioners for the county of
Claremont. And that James Davis, Edward Richardson, Matthew James,
and Henry Richbourg, be commissioners for the county of Clarendon.

XXVIII. *And be it enacted* by the authority aforesaid, That in ten
months after the passing of this Act, a ferry be, and is hereby, established Ferry over
Waccamaw.
over Waccamaw river, about three miles above Kingston; the south-east
side to be vested in Jesse Brewton, his heirs and assigns, and the north-
west side to be vested in Benjamin Gause, his heirs and assigns, for and
during the term of fifteen years. And they are hereby entitled to demand
and receive the following rates of ferriage:—for every wagon and team, or
other four wheeled carriage, one dollar; for every chair and horse, or other
two wheeled carriage, fifty cents; for every man and horse, seven cents; for
every head of cattle, hogs or sheep, ferried or swam, two cents. And the
commissioners of roads on the north-west side of the said ferry shall, and
are hereby directed to, open and keep in repair a road leading from Kings-
ton to the said ferry.

XXIX. *And be it enacted* by the authority aforesaid, That a public ferry
is hereby established on Little Peedee river, at a place known by the name Ferry over
Little Peedee,
at Elvise's.
of Elvise's landing; and vested in Richard Gullivan, for fourteen years,
and his heirs and assigns. And he and they are hereby entitled to demand
and receive the following rates,—for every wagon and team, or other four
wheeled carriage, one dollar; for every chair and horse, or other two
wheeled carriage, fifty cents; for every man and horse, seven cents; for
every head of cattle, hogs or sheep, ferried or swam, two cents.

XXX. *And be it further enacted* by the authority aforesaid, That Gar-
ratt Jordan, John Gegar, and John Surganer, be, and they are hereby ap-
pointed, commissioners to lay out, open and keep in repair, a road leading
from Morris's ford, on Edisto river, to Granby. And that all persons liable
to work upon the public roads, residing within five miles of the same, shall
be obliged to work upon the same.

XXXI. *And be it enacted* by the authority aforesaid, That a toll bridge,
built or to be built, at Morris's ford aforesaid, on Edisto river, shall be, and Jordan's
bridge, over
Edisto.
the same is hereby, vested in Garratt Jordan, his heirs and assigns, for and
during the term of fourteen years. And that the following, and no more,
be the rates of tollage for passing over the same, to wit:—for a wagon and
team, or any four wheeled carriage with horses, twenty-five cents; cart
and horses, or horses and chair, sixteen cents; man and horse, seven cents;
horses and neat cattle, per head, three cents; hogs, sheep and goats, one
cent per head.

XXXII. *And be it further enacted* by the authority aforesaid, That a
public road be laid out in the county of Marlborough, beginning on Peedee
river, at a place known by the name of the Board Landing, belonging to
the estate of Charles Irby, the nearest and best-way, to cross Naked Creek
at Drury Robertson's lower mills; from thence to cross Crooked Creek, at
Inman's ford; from thence to the North Carolina line, to intersect a road
leading to Fayetteville. And that Thomas Godfrey, James Stubbs, and
Drury Robertson be, and are hereby appointed, commissioners to lay out
the said road.

XXXIII. *And be it further enacted* by the authority aforesaid, That
there shall be a road opened from Valentine Gill's, the nearest and best

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way, to Rivers's ford, on the Saltcatcher; from thence to intersect the Charleston road, at Plat's mill. And that all the inhabitants, liable by law to work on the roads, living within five miles of the same road, shall open and keep the same in repair. And that William Roberts, Henry Harrison, Arthur Jenkins, and Simon Rentz, be, and they are hereby appointed, commissioners of the said road.

Penalties for
refusing to act.

XXXIV. *Whereas*, it has been found by experience, that several of the fines and penalties imposed and inflicted by the Act passed on the twenty-seventh day of February, seventeen hundred and eighty-eight, entitled "An Act to alter and amend an Act respecting the high roads and bridges, passed on the twenty-second day of March, seventeen hundred and eighty-five, and for laying out several new roads, and establishing sundry ferries therein mentioned," are too great and expensive; on which account the said Act has never been sufficiently enforced. *Be it therefore further enacted* by the authority aforesaid, That from and after the passing of this Act, if any person chosen or appointed a commissioner of the roads, in any of the parishes or districts of this State, shall refuse to act, or shall neglect doing his duty as a commissioner aforesaid, every such person shall forfeit a sum not exceeding twenty dollars. That if any person whomsoever, when required by a board of commissioners to make a return, on oath or affirmation, of all his or her male slaves, from the age of sixteen to fifty years, shall refuse or neglect to make such return, the said commissioners, or any three of them, are hereby authorized to assess every such defaulter, according to the best information they shall receive, in any sum not exceeding four dollars for every such male slave so refused or neglected to be returned. That if any person appointed by a board of commissioners to summon the inhabitants or slaves of any parish or district, to work upon the roads, or to levy executions on them for defaults, shall refuse or neglect to act, he shall forfeit a sum not exceeding twelve dollars. And that if any person shall refuse or neglect to act as an overseer on the roads, not giving sufficient reason for such refusal or neglect, every such person shall be fined in a sum not exceeding eight dollars. All which fines, penalties and forfeitures, shall be recovered by immediate warrant of distress, under the hands of any three of the said commissioners, against any of the goods and chattels of the person offending; which, after ten days public notice, shall be sold for the purpose of paying the fine inflicted, and the charges accruing thereon; and the overplus, if any, returned to the said person. And the said fines, penalties and forfeitures so recovered, shall be disposed of for repairing and keeping in order the high roads, bridges, causeways, creeks and watercourses, in such manner as the said commissioners, or a majority of them, shall think fit; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Wambaw
bridge to be
discontinued.

XXXV. *Whereas*, many of the inhabitants of the parish of Saint James Santee, have petitioned for the removal of the bridge across Wambaw Creek; in the said parish, to a situation a few miles higher up than where it is at present; that the navigation of the said creek may be extended, and the bridge may hereafter be less liable to be destroyed by freshes: And *whereas*, sundry other inhabitants of the said parish have petitioned that the said bridge may not be removed, unless those petitioning for the same, shall, at their own expense and labor, make all the necessary new roads and causeways. *Be it enacted* by the authority aforesaid, That the present bridge over Wambaw Creek, and the roads leading thereto, be discontinued. And the commissioners of the roads of the parish of Saint

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James Santee, are hereby directed and empowered to cause to be built and erected, and when requisite, to be re-built and repaired, a bridge across Wambaw Creek, at a situation about four miles higher up than where the present bridge crosses the same, between or near the dividing lines of lands belonging to the estate of the deceased Mrs. Elizabeth Middleton, and Mr. Thomas Horry, or thereabouts, on the south side, and between or near the dividing lines of lands late the property of Mr. Charles Cantey, deceased, and of a plantation belonging to Mr. John Gaillard, or thereabouts, on the north side of the said creek; and to levy such sum or sums of money as may be sufficient for defraying the charges and expenses on the same, by an assessment, in equal proportion, on all the male slaves, from the age of sixteen to fifty years, in the said parish. But, however, on the following condition, namely:—that the inhabitants aforesaid, or a sufficient number of them, who have petitioned for the removal of the said bridge, will, before the first Monday in April next, consent and agree to make, and cause to be made, before the first Monday in September next, at their own charge, expense and labor, in such manner and direction as to the said commissioners, or a majority of them, shall appear most to the convenience of the parishioners, and not to the material injury of any of the tracts of land on either side of the said creek, a road on the south side of the same, leading from the public Charleston road, and also, a road on the north side, leading from Echaw bridge, to the aforementioned situation on the said creek, together with such causeways, and such other roads, as to them, the said commissioners, may seem fit and requisite, on both or either side of the said creek. Which said roads and causeways, when made and completed, shall be considered as public, and shall be worked on and kept in good order and repair, by and at the joint and equal charge and labor of all the male inhabitants in the said parish, from the age of sixteen to fifty years, and of all the male slaves, from and between those ages, belonging to all persons whomsoever, when called out, according to their respective division or divisions, to work on and keep in good order and repair all the roads, bridges and causeways in the said parish. But if the said inhabitants who have petitioned for the removal of the said bridge, or a sufficient number of them, do not, before the first Monday in April next, consent and agree to make, at their own charge, expense and labor, the aforementioned roads and causeways leading to the situation aforesaid, whenever they shall be hereafter called on, then the said commissioners of the roads in the parish aforesaid, shall, and they are hereby directed to, proceed according to law, to the re-building of Wambaw bridge, at the place where it now crosses the creek; any part of this Act to the contrary thereof in any wise notwithstanding.

And new one built.

Proviso.

XXXVI. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the proprietor or proprietors of the bridge over Edisto, in the county of Orange, near the old mill seat, for the time being, and at all times hereafter, to ask, demand and receive, to and for his and their own proper use, as pontage or toll, before any passage over the said bridge shall be permitted, the several sums following:—for a wagon and team, or other four wheeled carriage, fifty cents; for a cart, driver and horse, twenty-five cents; for a chair and person therein and horse, twenty-five cents; for a rolling hogshead, eighteen cents; for a man and horse, seven cents; cattle and led horses, per head, four cents; for hogs, sheep and goats, per head, two cents.

Toll over Edisto bridge.

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clause,

XXXVII. *And be it further enacted*, That all laws and clauses of laws ascertaining the rates of pontage or toll over the said bridge, be, and the same are hereby, repealed.

Additional
commissioners
to several
boards.

XXXVIII. *And be it further enacted*, That Joseph Kennerly, John Geiger, and Hargrove Arthur, be added to the present board of commissioners for the road leading from Kennerly's bridge, on Saluda, through Granby, to the bridge on Sandy Run Creek. That Hugh Alexander Nixon, Peter Oliver, and John Lord, be added to the board of commissioners for the road from Beaver Creek to the Highhill Creek. That Hugh Alexander Nixon, and Peter Oliver, be added to the board of commissioners for the road from Beaver Creek to Lyon's Creek. That Jacob Saylor and Andreas Keigler, be added to the board of commissioners for the road from Sandy Run to Seawright's old place, on Beaver Creek.

Bridge over
Edisto, at Can-
non's.

XXXIX. *Be it enacted* by the authority aforesaid, That Edward Cannon and David Coulter, be, and they are hereby, authorized and empowered to build and keep in repair a toll bridge across Edisto river, at the plantation of the said Edward Cannon; and that the same be vested in the said Edward Cannon and David Coulter, their heirs and assigns, for and during the term of fourteen years, from the time when the same shall be completed. And also, that the following shall be the rates of tollage for passing over the same, that is to say:—for a wagon and team, fifty cents; cart and team, thirty-two cents; four wheeled carriage, fifty cents; horse and chair, twenty-one cents; a man and horse, seven cents; hogshead of tobacco, twenty-three cents; cattle and horses, three cents, per head; hogs, sheep and goats, one cent, per head.

Roads.

XL. *Be it enacted* by the authority aforesaid, That Major Smilie Gasper Trotti, Joel Spell, and Edward Cannon, be, and are hereby appointed, commissioners, with full power and authority to lay out, open and keep in repair, a new road from the Saltcatcher Bridge to the toll bridge aforesaid, and from thence to intersect the road leading to Orangeburgh, in the nearest and best direction. And that all persons liable to work upon the public roads, residing within ten miles on each side of the said road, be bound to work upon the same, and to keep it in repair.

XLI. *And be it enacted* by the authority aforesaid, That James Porcher, Samuel Maner and William Maner, be, and they are hereby appointed, commissioners to lay out and open a road, to lead from the Black Swamp bridge, in Saint Peter's parish, on the Augusta road, the nearest and best way, to the Purysburgh road, at or near the avenue to the plantation late of Paul Porcher, deceased.

Ferry at Stan-
ton's on Salu-
da.

XLII. *And be it enacted* by the authority aforesaid, That a public ferry be established at the plantation of Christopher Stanton, on Saluda river, in Pendleton county, and that the same be vested in him, his heirs and assigns, for and during the term of fourteen years; and that the said Christopher Stanton, his heirs or assigns, be bound, for and during the said term, to keep a good and sufficient ferry boat or boats, for transporting all passengers, their horses and other cattle, goods and carriages, over the same, and that he give regular attendance at the said ferry.

Ferry at Pa-
riese's ford, on
Saluda.

XLIII. *And be it enacted* by the authority aforesaid, That a public ferry be established at Pariese's ford, on Saluda river, and that the same be vested in the owners of the land on each side of said river, their heirs and assigns, for and during the term of fourteen years; and that they, their heirs and assigns, during the said term, shall keep one or more good and sufficient ferry boats, for transporting all passengers, their horses and other

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cattle, goods and carriages, over the said river, and shall give regular attendance at the said ferry.

XLIV. *And be it enacted* by the authority aforesaid, That the rates of ferriage at the two last ferries above mentioned shall be the following, and no more, that is to say:—for every wagon and team, or other four wheeled carriage, with horses, seventy-five cents; for a chair or cart, with one horse, thirty-two cents; for a man and horse, seven cents; for each foot passenger or led horse, and for each head of black cattle, three cents; hogs, sheep or goats, ferried or swam over, two cents; and that no ferry shall be established within three miles of either of the said ferries.

Rates of ferriage at two last ferries.

XLV. *And whereas*, it is of great importance to this country that encouragement should be given to the company for opening the Santee Canal. *Be it therefore enacted* by the authority aforesaid, That the toll receivers, lock keepers, one half of the overseers and labourers, employed or to be employed by the said company, shall hereafter be exempt from working upon any public or private road, excepting roads intended for their own use.

Persons exempt from road duty.

XLVI. *And be it further enacted* by the authority aforesaid, That a public ferry be established at the plantation of Charles Pinckney, Esquire, at Mount Tacitus, on Santee river; and that the same be vested in him, his heirs and assigns, for and during the term of seven years; and also, that he be entitled to the following rates of ferriage, be obliged to perform the same duties, and be liable to the same penalties, as are established at ferries in general on the said river:—Short ferry—wagon and team, or other four wheeled carriage, seventy-five cents; cart and team, forty cents; chair and horse, forty cents; man and horse, seven cents; led horse, four cents; cattle, hogs, sheep and goats, ferried or swam, per head, three cents. Long ferry—wagon and team, two dollars; cart and team, one dollar; chair and horse, one dollar; man and horse, fourteen cents; led horse, eight cents; cattle, hogs, sheep and goats, ferried, per head, six cents.

Ferry over Santee, vested in C. Pinckney.

XLVII. *And be it further enacted* by the authority aforesaid, That Thomas Boyd, Philemon Waties, Junior, and Zebly Manning, be, and they are hereby appointed, commissioners to lay out and open a road, to lead from Ammon's ferry, on Broad river, the best and nearest way, to Hampton and Lee's bridges, on Saluda river.

Road to be opened.

XLVIII. *And be it further enacted* by the authority aforesaid, That all ferry-men or keepers of ferries throughout this State, who shall, after the passing of this law, unnecessarily keep and detain any passenger, his horses or other cattle; goods, or other carriages, in crossing and passing any ferry, shall, for every quarter of an hour he or she shall so keep or detain the said passenger, his horses or other cattle, goods or carriages, forfeit and pay the sum of two dollars, to be recovered before any magistrate residing in the county or parish where the said ferry shall be.

Penalty for unnecessary detention at ferry.

XLIX. *And whereas*, great inconveniencies have arisen in many instances, from the continuing in office those persons who have been specially appointed by the Legislature as commissioners for laying out and completing new roads in different parts of the State; for remedy whereof, *Be it enacted* by the authority aforesaid, That on the completion of all and every new road in future, those persons who shall have been appointed commissioners to lay out and complete the same, shall cease to be and continue commissioners of the same; and each and every new road so completed, shall henceforth fall under the authority of the judges of the county courts,

Powers of commrs. to cease when roads are completed.

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where county courts are established, or under the authority of the board of commissioners in those parishes or election districts where no county courts are established.

Powers of
comm'rs.

L. *And be it further enacted* by the authority aforesaid, That the commissioners hereby nominated and appointed, for laying out and opening the several roads before mentioned, and all commissioners appointed, or hereafter to be appointed, to lay out, clear or open any road or roads, shall have, and they are hereby vested with, all the powers and authority which are now vested in and exercised by the commissioners of the high-roads.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1651. AN ACT TO RE-ESTABLISH A FERRY ON GREAT PEE DEE RIVER, NEAR THE TOWN OF CHATHAM, IN CHESTERFIELD COUNTY, AND TO VEST THE SAME IN ELIZABETH BISHOP, HER HEIRS AND ASSIGNS, FOR THE TIME THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the public ferry across Great Pee Dee river, at the plantation of Elizabeth Bishop, near the town of Chatham, in Chesterfield county, be, and the same is hereby, re-established, and vested in the said Elizabeth Bishop, her heirs and assigns, for the term of fourteen years, to commence immediately from and after the passing of this Act; and that it shall and may be lawful for the said Elizabeth Bishop, her heirs, executors, administrators and assigns, to take and receive the following rates of ferriage, and no other, to wit:—for every foot passenger, four cents; for a man and horse, seven cents; for a led horse, four cents; for a wagon and team, seventy-five cents; for any other four wheeled carriage and horses, seventy-five cents; for a chair or cart, with one horse, thirty-two cents; for every head of black cattle, hogs, sheep or goats, four cents; and for each rolled hogshead of tobacco, with the horse or horses and driver, twenty-five cents.

II. *And be it further enacted* by the authority aforesaid, That the said Elizabeth Bishop, her heirs and assigns, being keeper of the said ferry for the time being, who shall, after the passing of this Act, unnecessarily keep and detain any passenger, his or her horses, or other cattle, goods or carriages, in crossing or passing the said ferry, shall, for every quarter of an hour he or she shall so keep or detain the said passenger, his or her horses, or other cattle, goods or carriages, forfeit and pay the sum of two dollars,

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to be recovered before any justice assigned to keep the peace in and for the said county.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBT. BARNWELL, *Speaker of the House of Representatives.*

**AN ACT TO ESTABLISH THE ROADS AND FERRIES THEREIN MENTIONED; No. 1656.
TO PRESCRIBE CERTAIN REGULATIONS RESPECTING ROADS; AND FOR
OTHER PURPOSES THEREIN MENTIONED.**

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever Peter Gaillard, of St. Stephen's parish, Esquire, shall make, clear, cut and complete, to the satisfaction of the commissioners of the roads for St. John's parish, or the majority of them, a road in St. John's parish, to run along, or nearly along, the division line which separates the land of the late General Marion, bought by him at a sale of Charles Cantey's estate, under a decree of the court of chancery, as part of the tract of land known by the name of the Rocks, from the other part of the same tract called the Rocks, which was bought at the same sale by the said Peter Gaillard, the said road, when so completed, shall be deemed a public road; and the commissioners of St. John's parish shall have it kept in order in the same manner as other public roads. And so much of the present public road leading from the St. Stephen's road to the Congaree road, laid out and opened by virtue of an Act of the Legislature, passed on the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six, as now runs through the said tract of land called the Rocks, shall be thenceforth no longer considered as a public road.

II. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and cleared in Marlborough county, beginning at the public road leading up and down Pee Dee river, at the lower end of Abner Miller's land, opposite to the road leading from Lide's ferry to the said place, and running, the nearest and best way, across the Long Branch at Rollo's and Porter's mill-dam, and over the Lightwood Knot creek, at the plantation of Aguilla Quick, and over Crooked creek, a little below Thomas Turner's mill, to the North Carolina line, so as to intersect the road leading to Fayetteville; and that William Thomas, John Wilson and James Gillaspie, be, and are hereby appointed, commissioners to lay out the same.

III. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out and opened in Marlborough county, beginning at the court house of said county, and to run across Crooked creek bridge at the

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Beauty Spot, and to intersect Cole's bridge road, near the Green Ponds; and that Thomas Cochran, John Haines and John Thomas, Sen., be, and they are hereby appointed, commissioners to lay out the same.

IV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established over Savannah river, about four miles below the confluence of Toogalo and Seneca rivers, and shall be vested in Thomas Shockley and his heirs and assigns, for the term of fourteen years; and that the rates of ferriage shall be as follows, that is to say:—for every foot passenger, four cents; for every man and horse, seven cents; for every head of other horses, four cents; for every two wheeled carriage and the horse and horses, in gears or harness, with the rider or driver, twenty-five cents; for every four wheeled carriage, and the horses in gears or harness, and the riders or drivers, fifty cents; for every head of horned cattle, sheep, goats or hogs, two cents.

Roads in
Marlborough
county.

V. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out and opened in Marlborough county, beginning at Hagan's ford, on a prong of the Three Creeks, and running across the other prong of the said creek, at Charles Cottingham's bridge, and to continue in the best course, towards the court house of the said county, till it shall intersect the post road, at or near the plantation of Charles Lucas; and that Nathan Thomas, James Connor and Charles Cottingham, be, and they are hereby appointed, commissioners to lay out the same.

VI. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out and opened, beginning at the North Carolina line, in Marlborough county, at a road leading from Rockingham, in North Carolina, at or near the Green Ponds, and to be run the nearest and best way, so as to intersect the road leading from Gibson's ferry, on Little Pee Dee river, to the plantation of Mrs. Elizabeth Bugman; and that Wm. Easterling, Joshua Ammons and Barnabas Hennagan, be, and they are hereby appointed, commissioners to lay out the same.

VII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid off and opened from Marlborough county court house, to cross Naked creek at the old ford above William Pledger's mill pond, and to intersect the road leading up Pee Dee river, a little above the meeting house on the said road; and that Robert Allison, William Pledger and Edward Crossland, be, and they are hereby appointed, commissioners to lay out the same. And that the public road between Marlborough court house and the intersection of the aforesaid new road therewith, shall be discontinued from the time the said new road shall be completed.

Road discontinued.

VIII. *And be it enacted* by the authority aforesaid, That that clause of the Act of the Legislature, passed on the nineteenth day of December, in the year seventeen hundred and ninety-five, establishing a public road from Georgetown to Cat Island Fort, shall be, and the same is hereby, repealed.

Road from Dar-
lington to
Camden.

IX. *And be it further enacted* by the authority aforesaid, That a public road shall be laid off and opened, to begin at the road from Darlington court house to Camden, about five miles from Greenville, and thence to run the best course, so as to cross Black creek at John Powell's bridge, to lead over McCallum's ferry, upon Lynch's creek, and to intersect the road to Stateburg; and that Joshua Jones, William Williams, Albert Ford, Michael Mixon and John Powell, be, and they are hereby appointed, commissioners to lay out the same.

X. *And be it further enacted* by the authority aforesaid, That a public

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road shall be laid off and opened, to lead from William Williamson's bridge over Black creek to Jeffers's, crossing the said creek at John Garner's bridge; to run thence to Sparrow Swamp, to the Six Mile Ford, and to intersect the road leading to McCallum's ferry, on Lynch's creek; and that John Gardner, William Heath, Andrew Hunter, Henry Cannon and Archibald McBride, be, and they are hereby appointed, commissioners to lay out the same.

XI. *And be it further enacted* by the authority aforesaid, That the ferry on Broad river, near the Cherokee ford, called Tate's ferry, shall be, and the same is hereby, continued, and vested in the representatives of William Tate, agreeably to the terms of his will, for the term of fourteen years; and that the same rates of ferriage be there taken and received as have been heretofore taken and received there.

XII. *And be it further enacted* by the authority aforesaid, That Paul Trapier, Peter Horry, Samuel Wragg, Philip Gadsden and John Keith, be, and are hereby appointed, commissioners to examine the situation of Wragg's ferry, and report to the Legislature in November next, whether the said ferry is established and placed on an improper situation; and if so, to recommend to the Legislature a place more proper for that purpose.

XIII. *And be it further enacted* by the authority aforesaid, That no person shall obstruct Horse creek, in Edgfield county, so as to prevent rafts or boats from passing through it; but that every person now owning, or hereafter holding, owning or possessing any mill, mill-dam, or other dam or obstruction thereon, shall always, after the passing of this Act, have and keep a good and sufficient flood-gate, lock or other passage, at least thirteen feet wide, which he shall always open, as often as any one may wish to carry through it any raft, boat, lumber or other thing; and if any such person shall not have, and keep constantly, such a flood gate, lock or other passage, or when required as aforesaid shall not open the same, such dam, lock, flood-gate or other passage, may be cut open by the direction of a magistrate and freeholders, in the same manner and by the same mode of proceeding as rice dams by law may be cut; and the owner or possessor thereof shall also be liable to be indicted, or to be sued by special action on that case.

XIV. *And be it further enacted* by the authority aforesaid, That the ferry called Murray's ferry, and the ferry called Skrine's ferry, both on Santee river, shall be continued and established as public ferries, for the term of fourteen years, and be vested in Theodore Gourdin, Esq., (the present owner and proprietor thereof,) and his heirs and assigns; and that the following rates of ferriage be received and paid at the said ferries, when the said river may be passable by the short ferry, that is to say:—for every four wheeled carriage, and the horses in harness or gears, with the riders or drivers, one dollar; for every two wheeled carriage, and the horse in harness or gears, and the rider or driver, fifty cents; for every man and horse, twenty cents; for every foot passenger, four cents; for every head of horses, twelve and a half cents; for every head of black cattle, seven cents; for every head of hogs, four cents; for every head of goats and sheep, two cents; for every head of black cattle swimming over, four cents; for every head of hogs swimming over, two cents. And that the following rates of ferriage shall be paid and received at the said two ferries whenever it may be necessary to cross them by the long ferries, that is to say:—for every four wheeled carriage, and the horses in harness or gears, and the drivers or riders, two dollars; for every two wheeled

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carriage, and the horses in gears or harness, and the rider or driver, one dollar; for every man and horse, fifty cents; for every foot passenger, eight cents; for every head of horses, twenty-five cents; for every head of black cattle, twenty-five cents; for every head of hogs, sheep or goats, seven cents.

Wadbacant
road discon-
tinued.

XV. *And be it further enacted* by the authority aforesaid, That so much of the Act passed at the last session of the Legislature as directs a road to be opened from the north side of the Wadbacant Lake to the public road leading from Lenud's ferry, on Santee river, to Georgetown, and to come into the same at or near Summer's bridge, shall be, and the same is hereby, repealed. And that the commissioners named to open the said road, to wit, Edward Thomas, Thomas Boone and Theodore Gourdin, or the majority of them, shall, in lieu of the said road, have such other road opened and cleared out, as to them may seem most advisable.

Ferry at Silver
Bluff.

XVI. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established at Silver Bluff, across Savannah river, and shall be vested in the proprietors of Silver Bluff, for the term of fourteen years; and that the following rates of ferriage shall be paid and received at the same, that is to say:—for every four wheeled carriage, and the horses in harness or gears, with the riders or drivers, seventy-five cents; for every two wheeled carriage, and the horse in harness or gears, and the rider or driver, fifty cents; for every man and horse, eleven cents; for every head of horses or black cattle, five cents; for every head of hogs, sheep or goats, two cents; for every foot passenger, two cents.

Road from
Treadway's to
Silver Bluff.

XVII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out and opened, the nearest and best way, from Treadway's, on the Three Runs, to Silver Bluff; and that Alcana Green, Thomas Newman, be commissioners to have the same laid out.

Road from the
Pine Log to
Silver Bluff.

XVIII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out and opened, the nearest and best way, from Johnston's, at the Pine Log, on South Edisto, to Silver Bluff; and that John Red, Isaac Tod and John Randall, shall be commissioners for laying out and opening the same.

Red Bluff land-
ing established.

XIX. *And be it further enacted* by the authority aforesaid, That a piece of land, not exceeding one hundred yards in width, upon Savannah river, nor one hundred yards in depth from the said river, at the place called Red Bluff, in Winton county, shall be, and the same is hereby declared to be, a public landing, and to be forever hereafter free and accessible to the use of the public at large; and that the road now leading therefrom to the high land on the said river and to the public broad road, shall forever hereafter be deemed a public road, and as such shall be constantly kept in repair as other public roads are repaired.

Combahee
causeway road.

XX. *Whereas*, the inhabitants of St. Bartholomew's parish, liable to work upon the road from the Temple to Combahee river, did, by petition, state that the commissioners of the roads for the said parish had directed that all persons living between the Temple and Ashepoo bridge, and liable to work upon the road leading from the said bridge to Combahee, should only be required to work upon so much of the said road as lies between the said bridge and the Temple, and that those persons only who live between the Temple and Combahee, and are liable to work upon the said road, should work on that part of the road which lies between the Temple and Combahee; whereby the petitioners were subject to more than a proportionate degree of labor. *Be it therefore enacted* by the authority aforesaid, That the

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division of the road so made by the commissioners aforesaid, shall be henceforth abolished and discontinued; but that all such persons as are liable to work upon any part of the said road, shall be liable to work upon every part thereof, including Combahee causeway.

XXI. *And be it enacted* by the authority aforesaid, That Henry Jones is impowered, at his own expense, to make, erect and keep in repair, a causeway and bridge over the north fork of Edisto, at the plantation of the said Henry Jones; and the bridge to be erected is hereby declared to be a toll bridge, and to be vested in the said Henry Jones, his heirs and assigns, for the term of fourteen years from the completion of the same; and that it shall and may be lawful for the said Henry Jones, his heirs or assigns, to take and receive as a toll for passing the said bridge, the following rates, and no more, that is to say:—fifty cents for every wagon and team, or other four wheeled carriage; twenty-five cents for every cart or chair, with one or two horses and driver; six cents for every man and horse; and one cent for every head of cattle, hogs, sheep or goats.

Jones's bridge
over North
Edisto.

XXII. *And be it further enacted* by the authority aforesaid, That all persons already, and to be hereafter, exempted from paying ferriage or toll at any other ferry or bridge, are hereby exempted from paying toll at the said bridge.

Who exempt
from paying
toll.

XXIII. *And be it further enacted* by the authority aforesaid, That the said Henry Jones, his heirs or assigns, shall be liable to pay all persons whomsoever the full amount of any injury to their person or property, by reason of the badness of the bridge and causeway so to be made, built or erected as aforesaid; and also, twenty-five cents for every hour any person shall be hindered or delayed in passing the said bridge and causeway, unless such injury or prevention shall be occasioned by unavoidable accidents; to be recovered before the nearest magistrate; provided the same be sued for within two months from the time of such injury or delay.

Regulations.

XXIV. *And be it further enacted* by the authority aforesaid, That if any person shall wilfully destroy or injure the bridge or causeway aforesaid, he, she or they so destroying or injuring the same, shall pay to the said Henry Jones triple damages, to be recovered by action of trespass, in any court in this State having jurisdiction.

Protecting
clause.

XXV. *And be it further enacted* by the authority aforesaid, That Thomas Young, Elijah Ford and Henry Jones, be appointed commissioners for opening a road from Major William Bluford's bridge, on the Saltcatcher, to the said Henry Jones's, to be built by virtue of this Act; and that John Woolfe, Christian Patrick and John Cook, be appointed commissioners for opening a road from the said bridge to the town of Granby; and that all the male inhabitants, between the age of sixteen and fifty years, residing within six miles of the said road, are hereby declared to be liable to open the same.

Road from
Bluford's
bridge, &c.

XXVI. *And whereas*, it would be greatly conducive to the convenience of travellers, that a ferry should be established over Broad river, at the plantation of William Lyles. *Be it therefore enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established over Broad river, at the plantation of the said William Lyles, and the same is hereby vested in him the said William Lyles, for the term of fourteen years; and that the following rates of ferriage shall be received:—for every four wheel carriage or wagon, fifty cents; for every two wheel carriage, twenty-five cents; for every rolling hogshead, with two horses, twenty-five cents; for every man and horse, seven cents; for every foot passenger, four cents.

Lyles's ferry
established.

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Provided, that nothing contained in this clause shall be construed to extend to prevent Leonard Subar from keeping a flat for his own use, in transporting persons to and from his mills.

No ferry or bridge to be kept within three miles.

XXVII. *And be it further enacted* by the authority aforesaid, That no person shall be at liberty to build a bridge or establish any ferry three miles above or below the said bridge to be built by virtue of this Act.

Road from Witherspoon's ferry to the Cheraw line.

XXVIII. *And be it further enacted* by the authority aforesaid, That John Ervin, Gavin Witherspoon, Thomas T. Wickham, Reese Perkins, Hugh Ervin, James Giegg, John Orr, John Cooper, Thomas Finklea and John Thompson, shall be, and they are hereby appointed, commissioners on the south-west side of Pee Dee river, in Liberty county, for keeping in repair the main road leading from Witherspoon's ferry, on Lynch's creek, up to the Cheraw district line; and are hereby fully authorized to call out and employ the male inhabitants, from sixteen to fifty years of age, residing on the south-west side of the said river, within ten miles of said road, to work thereon for any number of days not exceeding six in one year; and the said commissioners are hereby vested with the same powers, and subject to the same penalties, as they are with respect to the other public roads.

From Witherspoon's ferry to Darlington line.

XXIX. *And be it further enacted* by the authority aforesaid, That Ralph Smith Austin, Obadiah Hand, Daniel Myers and William Stone, shall be, and they are hereby appointed, commissioners for laying out, opening and keeping in repair, a road leading from Witherspoon's ferry, on Lynch's creek, up said creek to the Darlington county line; and are hereby fully authorized to call out and employ the male inhabitants, from sixteen to fifty years of age, residing within ten miles of said road, to work thereon for any number of days not exceeding eight in one year; and that Charles Pigot, Daniel Dubose, Junior, William Law, John Huggins and Andrew Dubose, Senior, shall be, and they are hereby appointed, commissioners for laying out, continuing and keeping in repair the said road up the said creek to McCullum's ferry; and that the county court of Darlington shall direct and appoint the persons who shall work on said road.

Comm'rs. of roads in Clarendon.

XXX. *And be it enacted* by the authority aforesaid, That the judges of Clarendon county court, and their successors, shall forever hereafter be relieved from the duties, and be deprived of the powers and authority, of commissioners of the roads; and that James Davis, Edward Richardson, Matthew James and Henry Richbourg, and three others by them to be appointed, shall be commissioners of the roads in said county, and shall have, hold, exercise and enjoy, all the powers, rights, privileges and authority, be subject to all the pains, penalties, fines and forfeitures, to which and with which the commissioners of the roads where county courts are not established, are now, or at any time hereafter shall be, entitled or subject, or in any wise vested; and shall, from time to time, fill up any vacancy or vacancies which may happen in their members, in the same manner as the said commissioners are authorized to do; any law, usage or custom to the contrary notwithstanding.

Road from Rogers's Lake.

XXXI. *And be it further enacted* by the authority aforesaid, That a public road be laid out and opened from Rogers's Lake, the nearest and best way, to the bridge on Crooked creek, a little below Tristram Thomas's mills, until it shall intersect a road leading from Kolb's ferry to Fayetteville; and that Tristram Thomas, Robert Allison and Edward Crossland, be, and are hereby appointed, commissioners to lay out the same.

XXXII. *And be it further enacted* by the authority aforesaid, That the

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Act of the Legislature, making persons liable to work upon the roads with- Persons to
in a certain distance of their place of residence, shall be so construed as work on roads
to compel every person to work upon all public roads within that distance, according to
whether the same be measured or calculated by the course of a public road distance.
or that of any private road.

XXXIII. *And be it further enacted* by the authority aforesaid; That it shall be the duty of the Solicitor of the district in which any part of the high road may have been or shall be diverted from its original course, unless by law, and he the said Solicitor is hereby enjoined and required, on information of any two persons, to commence a suit against any person or persons who may have altered or shall hereafter alter the road without authority, in order to compel the parties offending, as soon as may be, to restore, at their own expense, the high road in its course, as established by law.

No unauthor-
ed person to
alter course of
road.

XXXIV. *And whereas*, the judges of the county courts, and the commissioners of the roads, have, by an Act of the Legislature; passed on the twenty-seventh day of February, one thousand seven hundred and eighty-eight, the power of granting roads, &c. *Be it therefore enacted* by the authority aforesaid, That no petition shall be hereafter received by the Legislature, praying for the establishment of any road, unless application be first made to the commissioners of roads, unless the same shall extend through more than one county or parish.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBT. BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH THE ROADS AND FERRIES THEREIN MENTIONED; No. 1678.

AND FOR APPOINTING COMMISSIONERS OF THE STREETS AND MARKETS IN THE TOWN OF COLUMBIA.

I. *Be it enacted*, by the Honourable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry heretofore vested in Joseph Kennerly, on Saluda river, shall be, and the same is hereby, vested in the said Joseph Kennerly, and his heirs and assigns, (with the same reservation of right to Godfrey Drehar, and his heirs and assigns; which was secured to his father, Godfrey Drehar, and himself, by their former charter,) for the term of fourteen years, to commence immediately after his present term shall have elapsed; and the same rates of ferriage shall be paid at the said ferry as are now payable there by law.

Kennerly's fer-
ry on Saluda,
vested in him.

II. *And be it further enacted* by the authority aforesaid, That no ferry or ferry boat shall be kept between the said Kennerly's ferry and Rawl's ferry, up the said river, nor within three miles below the said ferry; nor

Other ferries
prohibited.

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shall any bridge or other conveyance be established or erected within the limits aforesaid.

Ferry on Pee-
dee vested in
J. Barfield.

III. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Little Pee Dee river, at the plantation of Joshua Barfield, and shall be vested in him, his heirs and assigns, for the term of fourteen years; and the rates of ferriage payable at the said ferry, shall be—for every foot passenger, four cents; for every man and horse, seven cents; for every led horse, four cents; for every head of black cattle, two cents; for every head of hogs, sheep and goats, two cents; for every carriage upon two wheels, with the rider or riders, horse or horses in gears or harness, twenty-five cents; for every carriage on four wheels, and the riders and horses therewith, fifty cents; and for every hoghead of tobacco rolled, with the horses and driver, twenty-five cents.

Ferry on Little
Peedee, at
Dog's Bluff.

IV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established at the Dog's Bluff, on Little Peedee river, to cross the said river, to be vested in Anthony Sweet, his heirs and assigns, for the term of fourteen years; at which ferry, the same rates of ferriage shall be payable as are to be paid at the ferry hereinbefore established and vested in Joshua Barfield.

Road thereto.

V. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, cleared and grubbed, to run the nearest and best way, from the main road on the west side of Little Peedee, in Liberty county, across the ferry hereby established at Dog's Bluff, and through Kingston county to Kingston; and that Joseph Jenkins and Robert Jordan, for Kingston county, and that Robert Hodge, Leonard Dozier and Solomon Shannon, for Liberty county, and the majority of them, shall be commissioners to lay out, clear and grub the same.

Ferry on
Drowning
creek, vested in
J. Newson.

VI. *And be it further enacted* by the authority aforesaid, That the ferry over Drowning creek, heretofore used and held by John Newson, shall be vested in him, and his heirs and assigns, for the term of fourteen years; and the same rates of ferriage shall be paid there as are hereinbefore made payable at Dog's Bluff.

Camden ferry
re-established.

VII. *And be it further enacted* by the authority aforesaid, That the ferry over the Wateree river, near Camden, commonly called the Camden ferry, shall be, and the same is hereby, re-established for a further term of fourteen years, and shall be vested in the proprietors of the land on each side of the river.

Ferry vested in
R. Crosby.

VIII. *And be it further enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Broad river, at a place called Crosby's ferry, and the same shall be vested in Rhedy Crosby, her heirs and assigns, for twenty-one years, with the following rates of ferriage, viz.—for every wagon and team, or other four wheeled carriage and horses, seventy-five cents; for every rolling hoghead, twenty-five cents; for every foot passenger, four cents; for each horse, ferried or swam over, four cents; for a chair or cart, with one horse, twenty-five cents; for each head of black cattle, sheep, hogs or goats, two cents; for a led horse, four cents; for every man and horse, seven cents.

Comm'rs of
streets in
Columbia.

IX. *Whereas*, it would conduce much to the convenience and comfort of the inhabitants of Columbia, that commissioners of the streets and markets should be appointed, with suitable powers to regulate the same. *Be it therefore enacted* by the authority aforesaid, That Benjamin Waring,

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John Calvert, Thomas Fitzpatrick, Samuel Green, Joshua Benson, Burage Purvis, Swanston Lunsford, George Wade, and John Taylor, shall be, and they are hereby appointed, commissioners of the Streets and Markets of the said town of Columbia; and shall be, and they are hereby, vested with all the powers and authorities, within the limits of the said town, which the commissioners of the town of Georgetown are vested with, within the limits of Georgetown, by an Act passed by the Legislature of this State, on the nineteenth day of February, in the year of our Lord seventeen hundred and ninety-one.

X. *And be it further enacted* by the authority aforesaid, That the bridge built across the north branch of Edisto river, by John Chevillette, shall be, and is hereby, established as a toll bridge; and shall be vested in the said Chevillette, his heirs and assigns, for the term of fourteen years. Schevillett's
bridge over
North Edisto. And that the following rates of toll shall be taken by him, to wit:—for every wagon and team, or other four wheeled carriage crossing the same, fifty cents; for a cart, driver and horse, twenty-five cents; for every rolling hogshead, eighteen cents; for every two wheeled carriage, and rider or riders, twenty-five cents; for every foot passenger, three cents; for every man and horse, seven cents; for every head of cattle or led horses, four cents; for every head of hogs, sheep or goats, two cents.

XI. *And be it further enacted* by the authority aforesaid, That the bridge erected at the place of William Johnson, over the south fork of Edisto river, shall be, and the same is hereby established and declared to be, a toll bridge, and vested in the said William Johnson, his heirs and assigns, for the term of fourteen years. Johnson's
bridge over
South Edisto. And it shall and may be lawful for the said William Johnson to take and receive at the said bridge, the following rates of toll, and no other. For every wagon and team, thirty-seven cents; for every other four wheeled carriage, fifty cents; for every two wheeled carriage, twenty-five cents; for every hogshead of tobacco, rolled, —; for every man and horse, seven cents; for every foot passenger, three cents; for every led horse, three cents; and for every head of cattle or hogs, one cent. And no person shall be permitted to build a bridge or establish a ferry within two miles above, or five miles below, the said bridge. And in case the said bridge shall at any time be carried away, the said William Johnson, his heirs and assigns, shall, and they are hereby authorized and required to, keep a ferry, with a sufficient flat at the said ferry, and to take a ferriage at the rates above established, until the bridge shall be re-built.

XII. *And be it further enacted* by the authority aforesaid, That Jacob Wannamaker, Sen., Jacob Myen, Gasper Seetrunk, Peter Chambliss, John Rumph, and Andrew Kaigler, shall be, and they are hereby appointed, Commissioners
of road from
Orangeburg to
Granby. commissioners, to keep in repair the road leading from Orangeburgh to Granby, as far as the old Congaree road, near Sandy Run Creek.

XIII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out from Orangeburgh, through Bellville, to McCord's ferry, on the Congaree river. Road from Or-
angeburg to
McCord's ferry. And that James Stuart, Benjamin Hart, John Paul Thompson, Dr. Jamieson, and Conrad Holman, shall be, and they are hereby appointed, commissioners for laying out and keeping in repair the said road; and shall be vested with such powers and authorities as have heretofore been or hereafter may be vested in and exercised by the commissioners of high roads. And the inhabitants, from sixteen to fifty years of age, residing within five miles of the said road, shall be obliged to work thereon, for any number of days in each year, not exceeding twelve days.

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Road to M'Callum's ferry, on Lynch's creek.

XIV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid off and opened, to begin about five miles from the town of Greenville, on the Camden road, and to run, in the most direct course, to McCallum's ferry, on Lynch's Creek, crossing Black Creek at John Powell's bridge. And that Joshua Jones, Gilles Wright, Nicholas Powers, Michael Mixon, and John Powell, be, and they are hereby appointed, commissioners, with the usual powers, to lay out the said road.

Road from Darlington to Camden, discontinued.

XV. *And be it further enacted* by the authority aforesaid, That so much of an Act, passed the twentieth day of December, in the year of our Lord seventeen hundred and ninety-six, entitled "An Act to establish the roads and ferries therein mentioned;" &c.; as relates to the laying out of a public road from Darlington Court House to Camden, shall be, and the same is hereby, repealed.

Road from White Pond to Hampton's bridge.

XVI. *And whereas*, by an Act passed the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, entitled "An Act for laying out certain roads, establishing certain ferries and toll bridges; and for other purposes therein mentioned; and also, to continue in force the laws for regulating the militia of this State," certain commissioners were appointed to lay out and keep in repair a public road, from the White Pond, in Orangeburgh District, to Colonel Wade Hampton's bridge, in the district of Ninety-Six. Which road has not been completed, through the want of commissioners on that part of the said road which lies in the district of Ninety-Six. *Therefore be it enacted* by the authority aforesaid, That Isaac Parker, Philip Lamar, and Nathaniel Bacon, be, and are hereby appointed, commissioners, with full power to lay out, cut and keep in repair, that part of the said road which lies between the division line of Orangeburgh and Ninety-Six districts, and Beven's bridge, on Horse Creek.

Road from the above to Lamar's ferry.

XVII. *And be it enacted* by the authority aforesaid, That Abraham Ardis and Jacob Zin, be; and they are hereby appointed, commissioners, with full powers for laying out; cutting and keeping in repair, a road from the widow Boseman's place, on the aforesaid road, to the road leading from Lamar's ferry; on Savannah river, to Charleston; at or near Dr. Fuller's old place.

Commissioners appointed.

XVIII. *And be it enacted* by the authority aforesaid, That Dr. James Otis Prentis and Mr. Walter Taylor, be; and are hereby appointed, commissioners, in the room of David Zubly, deceased; late commissioner on the road leading from Lamar's ferry aforesaid, to Charleston.

Gadsden's ferry at Charing cross.

XIX. *Whereas*, the inhabitants of Georgetown district did, by their petition to the Legislature, set forth that the ferry on Black river, known by the name of Wragg's ferry, was, on many accounts; inconvenient, and from its exposure to high winds frequently impassable; and did therefore pray that a public ferry might be established at some more fit place on said river. And *whereas*, certain commissioners were appointed to examine the said river, and to report the most proper place thereon for a public ferry, who have accordingly reported that the most safe and convenient place for the said purpose, is at the plantation of General Christopher Gadsden, at the place formerly known by the name of Charing-cross ferry. *Be it therefore enacted* by the authority aforesaid; That a public ferry shall be, and is hereby, established at the plantation of the said Christopher Gadsden, at the said place formerly known by the name of Charing-cross ferry; and shall be, and, is hereby, vested in the said Christopher Gadsden, his executors, administrators and assigns, during a term of twenty-one years. And the

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commissioners of the high roads for the parish of Prince George, are authorized and empowered to clear out and keep in repair the old road leading thereto, on each side of the said river. *Provided*, that the same do pass through such part of the land of the said Christopher Gadsden, as he shall direct. And it shall and may be lawful for the said Christopher Gadsden, his executors, administrators and assigns, to demand and receive such rates of ferriage as the said commissioners of the high roads shall, from time to time, fix and assess.

XX. *Whereas*, a public road has been laid out by the county courts of York and Chester, from the Old Nation Ford, on Catawba river, to Love's Ford, on Broad river. And the said road has been opened in both counties, to the plantations of Alexander Moore and David Beard, adjoining each other, on and near the York and Chester line. *Be it therefore enacted* by the authority aforesaid, That William Dale, John Murphy, and Francis Joiner, or any two of them, be, and are hereby appointed, commissioners to lay out and open the said road through the plantations of the said Alexander Moore and David Beard. Commissioners of roads to Love's ford.

XXI. *And be it further enacted* by the authority aforesaid, That Samuel Jenkins, Zachariah Owens, and Shadrack Simons, shall be, and are hereby appointed, commissioners for keeping in repair the main road leading from Black Mingo to Britton's ferry, on Peedee. And are hereby fully authorized to call out and employ the male inhabitants, from sixteen to fifty years of age, residing within eight miles of said road, to work thereon, for any number of days, not exceeding six in one year. And the said commissioners are hereby vested with the same powers, and subject to the same penalties, as they are with respect to the other public roads. From Black Mingo to Britton's ferry.

XXII. *And be it further enacted* by the authority aforesaid, That the ferry commonly called Lee's ferry, on Saluda river, be re-established, and vested in Nancy Lee, her heirs and assigns, for the term of fourteen years next ensuing the passing of this Act. And that the said Nancy Lee shall be entitled to the same rate of ferriage which hath been heretofore established at said ferry. Ferry on Saluda, vested in Nancy Lee.

XXIII. *And be it further enacted* by the authority aforesaid, That the proprietor or proprietors, for the time being, of the Saw Mills now erecting at or near the plantation of William McMuldrow, on Black Creek, in the district of Cheraw, shall, in the dam of the said mills, at his, her or their own proper costs and charges, erect, build and maintain, from time to time, and at all times, from and after the twelfth day of February next, a good and sufficient Boat-lock, of not less than twenty-two feet wide, or less than seventy feet long, or other sufficient passage for the free passing and re-passing of boats and rafts navigating the said creek, and pass such rafts and boats safely through the said lock or passage without delay. Boat lock on Black Creek, at McMuldrow's saw mills.

XXIV. *And be it further enacted* by the authority aforesaid, That the proprietor or proprietors of the said saw-mills, or any or either of them, shall forfeit and pay, to the owner or owners of any boat or raft of lumber navigating the said creek, for every fifteen minutes after the first hour which such boat or raft shall, by the neglect or default of the said proprietors, be detained and not passed through the said lock or passage, the sum of fifty cents. To be sued for and recovered before any justice assigned to keep the peace in and for the county of Darlington, in the district of Cheraw aforesaid. *Provided, nevertheless*, that it shall and may be lawful for any owner or owners of any boat or rafts, to commence and prosecute his, her or their action or actions, against the proprietors of the said mills Penalty for neglect.

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for any damages done, by the default of the said proprietors, to the rafts or boats and their cargoes in passing or re-passing the said mill dam, in any court of record having jurisdiction.

Road from
Strother's fer-
ry, a public
road.

XXV. *And be it further enacted* by the authority aforesaid, That the old road now leading from Strother's ferry, on Broad river, to Waters's ferry and Lee's bridge, on Saluda river, is hereby established and made a public road. And that John Weaker, John A. Houseal, George Lever, George Baldrick, and Philemon Waters, be, and they are hereby appointed, commissioners, with full powers to call out all persons liable to work on roads, who reside within two miles of said road, to open and repair the same.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1693. AN ACT FOR ESTABLISHING CERTAIN ROADS AND FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Landing on
Great Peedee,
removed.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the landing on the south-west side of Great Peedee river, of the ferry across the same river, near the town of Chatham, in Chesterfield county, be removed to and established at some convenient place on the land, now in the possession of William Brown, adjoining the present landing of the same ferry; and that a road be laid out therefrom, through the said tract of land, to join the road leading through the town of Chatham towards Greenville, under the direction of, and in such way and manner as, the county court of Chesterfield county aforesaid, shall think fit and direct.

Part of a former
Act
repealed.

II. *And be it further enacted* by the authority aforesaid, That so much of an Act entitled "An Act to re-establish a ferry on Great Peedee river, near the town of Chatham, in Chesterfield county, and to vest the same in Elizabeth Bishop, her heirs and assigns, for the term therein mentioned," as is contrary to the foregoing, be, and the same is hereby, repealed.

Green's Creek
to be made
navigable.

III. *And be it further enacted* by the authority aforesaid, That George Ford, Archibald Taylor, and Samuel Taylor, be, and they are hereby appointed, commissioners for clearing and making navigable Green's Creek, in the district of Georgetown. And the said commissioners are hereby vested with powers similar to those of commissioners of the roads, for the purpose of calling out all male inhabitants, from sixteen to fifty years of age, residing within six miles of the said creek, to clear and make the same navigable.

IV. *And be it further enacted* by the authority aforesaid, That so much of the Act entitled "An Act to open the navigation of Little Peedee river," passed on the nineteenth day of December, in the year of our Lord one

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thousand seven hundred and ninety-six, as requires the inhabitants residing within ten miles of Little Peedee river and Drowning Creek, to work upon the said river and creek, be, and the same is hereby, repealed. And that hereafter, all the male inhabitants, as well free men as slaves, residing within six miles of Little Peedee river and Drowning Creek, who are of the age of sixteen years, and not above fifty years, shall be liable to work on the said river and creek, for a term not exceeding ten days in every year, at the times appointed, and in such manner as may be directed by the commissioners, and under such penalties as the aforementioned Act may direct. *Provided, nevertheless*, that none of the inhabitants within the said six miles, who are liable by any former Act of the Legislature to work upon Great Peedee or Little Peedee above the confluence of the same with Drowning Creek, shall, by virtue of this Act, be made liable to work upon Little Peedee.

Who to work
on Little Pee-
dee and
Drowning
Creek.

V. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the public ferry on the Catawba river, known by the name of Biggart's ferry, be, and the same is hereby, vested in John Allison, his executors, administrators and assigns, for and during the term of fourteen years; and the said John Allison, his executors, administrators and assigns, are hereby permitted to receive the same rates of ferriage as have heretofore been received at the said ferry, and no other.

Biggart's ferry
vested in J.
Allison.

VI. *And be it further enacted* by the authority aforesaid, That Captain Benjamin Davis, William Brunson, William Richbourgh, Benjamin Hodge, William Malone, Shadrack Adkins, Redden McCoy, Arthur Bradley, Samuel Bradley and David Witherspoon, be, and they are hereby appointed, commissioners to lay out a road through Salem, Claremont and Clarendon counties, in the following manner, viz.—from Salem court house, the directest way, to Elizabeth Bradley's causeway; from thence, to cross Scape Whore, at Arthur Bradley's plantation, and to continue from thence, the nearest and most direct course, to the Santee canal. And that after the said road is laid out, the said commissioners are hereby vested with powers similar to those of commissioners of the roads, for the purpose of calling out all the male inhabitants, from sixteen to fifty years of age, residing within three miles of the road laid out as aforesaid, to make and complete the same. *Provided nevertheless*, that immediately after the said road is made and completed, the powers of the said commissioners shall cease and end, and the said road be considered and come under the jurisdiction of the commissioners of the roads of the counties of Salem, Claremont and Clarendon, respectively.

Road from
Salem C. H. to
Santee Canal.

VII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, that the ferry called Greenock ferry, situate on south side of Black river, shall be continued and established as a public ferry, for the term of seven years, and be vested in Wm. Dunlap, (the present owner and proprietor thereof,) and his heirs and assigns; and they are hereby permitted to receive the following, and no other, rates, viz.—for a man and horse, twelve cents; for a foot passenger, six cents; for a wagon and team, fifty cents; for a rolling hogshead and horses, twelve cents; for a two wheeled carriage and horse, thirty-seven cents; for every head of cattle and horses, three cents; and for every head of sheep, hogs and goats, two cents.

Greenock ferry
vested in W.
Dunlap.

VIII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established on Savannah river, at the place formerly called

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Rochester ferry
vested in
A. Smith.

Rochester, and that the same be vested in Archibald Smith, his heirs and assigns, for and during the term of fourteen years; and that the following rates of ferriage shall be paid and received at the same place, viz.—for every four wheeled carriage, and the horses in harness or gears, with the riders or drivers, one hundred and fifty cents; for every two wheeled carriage, and one horse and rider, one dollar; for man and horse, fifty cents; for every head of horses and black cattle, twenty-five cents; for every head of hogs, sheep and goats, six cents; for every foot passenger, twenty-five cents.

Martin's ferry
vested in R.
Martin, Sen.

IX. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established over Savannah river, three miles above the town of Petersburg, at the place usually known by the name of Martin's ferry, and that the same shall be vested in Robert Martin, Senior, for the term of seven years; and that the rates of ferriage shall be as follows, viz.—for every foot passenger, six cents; for every man and horse, twelve cents; for every head of horses, six cents; for every four wheeled carriage, horses in harness and drivers, seventy-five cents; for every two wheel carriage, and one horse and driver, twenty-five cents; for every head of black cattle, hogs, sheep and goats, two cents.

Dividing line
to be run.

X. *And be it further enacted* by the authority aforesaid, That Daniel Holliday and John O'Cain, be, and they are hereby appointed, commissioners to run and ascertain the dividing line between the counties of Ker-shaw and Richland, and to have the same marked out, agreeably to Act passed on the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one.

Ferry over
Toogaloo river,
vested in J.
Kees.

XI. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established over Toogaloo river, and the same shall be vested in John Kees, and his heirs and assigns, for the term of seven years, at the place where his ferry has been heretofore kept; and that the rates of ferriage shall be as follows, to wit:—for every foot passenger, two cents; for every man and horse, six cents; for every head of other horses, two cents; for every two wheeled carriage, and the horse or horses in gears or harness, with the rider or driver, twenty-five cents; for every four wheeled carriage, and the horses in gears or harness, and the rider or driver, fifty cents; for every head of horned cattle, sheep, goats or hogs, one cent.

Ferry on
Lynch's creek,
vested in K.
McCallum.

XII. *Be it further enacted* by the authority aforesaid, That the ferry on Lynch's creek, known by the name of Kenneth McCallum's ferry, be, and the same is hereby, vested in the said Kenneth McCallum, and his heirs and assigns, for the term of seven years, from the expiration of his present term; and that no person or persons shall be permitted to build a bridge, or establish a ferry, within three miles of said ferry, either above or below the same; and that the following rates of ferriage shall be established for the same, viz.—for every foot passenger, six cents; for every man and horse, seven cents; for every head of other horses, four cents; for every two wheeled carriage, and the horse or horses, in gears or harness, and the rider or driver, twenty-five cents; for every head of horned cattle, sheep, goats or hogs, one cent; every four wheeled carriage, and horses in gears, and rider or driver, fifty cents; every rolling hogshead, horses and driver, six cents.

Road.

XIII. *And be it further enacted* by the authority aforesaid, That a public road be opened and laid out, to lead from Major Windham's, on Sparrow swamp, by Bell's bridge, on Lynch's creek; and from thence to Carter's crossing place on Scape Whore; and that Peter Dubose, Samuel Huggins,

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Benjamin Dubose, Moses Gordon, Joseph Way, Jonathan Newman and Addison Scarborough, be, and they are hereby appointed, commissioners to lay out and open the aforesaid road.

XIV. *And be it further enacted* by the authority aforesaid, That the rates of ferriage of Delilah Strother and William Liles's ferries, over Broad river, be, and the same are hereby, augmented to the following rates, to wit:—for every foot passenger, six cents; for every man and horse, twelve cents; for every head of other horses, six cents; for every two wheeled carriage, and the horse or horses, in gears or harness, with the rider or driver, fifty cents; for every four wheeled carriage, with the horses in gears or harness, and the rider or driver, seventy-five cents; for every head of horned cattle, sheep, goats or hogs, two cents.

Rates of ferriage.

XV. *And be it further enacted* by the authority aforesaid, That such part of the road leading up to Lynch's creek, from Witherspoon's ferry to McCallum's ferry, whereon Andrew Dubose, the elder, is a commissioner, be altered and laid out, in the nearest and best direction, and that Michael Mixon be added as a commissioner, to lay out and make the said road.

Road altered.

XVI. *And be it further enacted* by the authority aforesaid, That a public road shall be opened and laid out, as a continuation of the road from Gent's branch, to cross Edisto river at Odom's old ferry, and to intersect the road leading from Johnson's bridge on said river, to Henry Jones's on the north fork of Edisto. And that a bridge be established and built where Odom's old bridge formerly stood, free of all toll; and that John Hokman, William Tyler and George Minor, be, and are hereby appointed, commissioners to open and lay out the said road, and build and erect said bridge.

Road from Gent's branch to Jones's.

XVII. *And be it further enacted* by the authority aforesaid, That the public ferry known by the name of Nelson's ferry, be, and the same is hereby, vested in Theodore Gourdine, and his heirs and assigns, for the term of fourteen years; and that no person or persons shall be at liberty to build a bridge, or establish a ferry, within seven miles above or below the said ferry.

Nelson's ferry vested in T. Gourdine.

XVIII. *And be it enacted* by the authority aforesaid, That no ferry or bridge shall be established within the distance of four miles from the toll bridge heretofore established by law, and vested in Robert Cannon, his heirs and assigns.

No ferry or bridge to be within 4 miles of Cannon's bridge.

XIX. *And be it enacted* by the authority aforesaid, That no person or persons shall obstruct Cawcaw swamp creek, in Orangeburgh district, so as to prevent rafts or boats from passing through it. But that every person or persons now owning, or hereafter holding or owning or possessing any mill, mill-dam, or other dam or obstruction therein, shall always, after the passing of this Act, have and keep a good and sufficient flood-gate, lock, or other passage, at least thirteen feet wide, which he shall always open, as often as one may wish to carry through it any raft, boat, lumber, or other thing; and if any such person or persons shall not have, and keep constantly, such a flood-gate, lock or other passage, or when required as aforesaid, shall not open the same, such dam, lock, flood-gate or other passage, may be cut open by the direction of a magistrate and freeholders, in the same manner and by the same mode of proceeding as rice dams by law may be cut, and the owner or possessor thereof shall also be liable to be indicted, or to be sued by special action on the case.

Cawcaw creek not to be obstructed.

XX. *Whereas*, it appears that Elias Dubose hath, at his own expense, erected and built a bridge over Lynch's creek, where the public road from

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Bridge over
Lynch's creek,
vested in E.
Dubose.

Darlington county court house to Salem court house crosses. And *whereas*, it appears that during the time of high freshes in said creek, that the said Elias Dubose is at considerable expense and trouble in ferrying travelers across a certain lake near the said bridge. *Be it therefore enacted* by the authority aforesaid, That the said bridge be, and is hereby declared to be, a toll bridge, and is vested in the said Elias Dubose, his heirs and assigns, for the term of fourteen years; and that it shall and may be lawful for the said Elias Dubose, his heirs and assigns, to take and receive, as a toll for passing the said bridge, the following rates, and no more:—for every wagon and team, or other four wheeled carriage, fifty cents; for every cart or chair, with one or two horses and driver, twenty-five cents; for every man and horse, seven cents; for every foot passenger, three cents; for every led horse, three cents; for every rolling hogshead, twenty-five cents; for every head of cattle, hogs, sheep or goats, one cent. *Provided*, that persons now exempted, or hereafter to be exempted, from paying ferriage or toll at any other ferry or bridge, are hereby exempted from paying toll at the said bridge. That no person or persons shall erect a bridge, or keep a ferry or ferry boat, or toll, on Lynch's creek, within three miles above or below the bridge aforesaid, hereby established and vested in said Elias Dubose, his heirs and assigns.

Ferry over Lit-
tle Peedee,
vested in J.
Gesque.

XXI. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established over Little Peedee river, between the counties of Liberty and Kingston, formerly vested in James Johnson, and shall be vested in John Gesque, his heirs and assigns, for the term of fourteen years; and that the rates of ferriage shall be as follows, viz.—for every foot passenger, four cents; for every man and horse, six cents; for every head of other horses, four cents; for every two wheeled carriage, and the horse or horses in gears or harness, with the rider or driver, twenty-five cents; for every four wheeled carriage, and the horses in gears or harness, and the rider or driver, fifty cents; for every head of horned cattle, sheep, goats or hogs, one cent.

Road.

XXII. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads of Saint Luke's parish, be, and are hereby, authorized and directed to cause to be opened and continued, a road leading from Smart's Meeting House to Cypress creek; from said creek, the nearest and best way, so as to intersect the road leading to the Two Sisters ferry on Savannah river, at or near Boggy Gut.

Road from
Armstrong's to
Georgetown.

XXIII. *And be it further enacted* by the authority aforesaid, That William Anderson, John Frierson, Joshua Koker, Wilson Graham and Doctor John Graham, shall be, and they are hereby appointed, commissioners for laying out and putting in repair a road, to begin on the road leading from North Carolina to Charleston, at the plantation of James Armstrong, on Black river, and to continue on to Salem court house; from thence to Nelson Graham's mill, in Salem county; and from thence, to run in the most direct course, to intersect the road leading from North Carolina to Georgetown, at Doctor John Graham's mill, in Georgetown district; and that the inhabitants shall be liable to be called out within a distance not exceeding two miles, to cut and put the said road in good repair; and the said road shall (when so cleared and put in good repair,) be subject to the direction of the county court, or commissioners of the roads, in the respective counties or districts where the same shall pass.

XXIV. *And be it further enacted* by the authority aforesaid, That Elisha Mallard, Adam Snell and Dennis Gilmore, be, and are hereby appointed,

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commissioners to open and lay out that part of a road called Snell's road, in Orangeburgh district, which extends from the district line to Dean's swamp, and from thence to Legare's ford, on Wasmessaw swamp; and that after the commissioners aforesaid shall have opened and laid out the road as aforesaid, the same shall be subject to the jurisdiction and inspection of the commissioners of the roads, in the different counties or parishes through which the same shall pass.

Snell's road to
be laid out.

XXV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established over Saluda river, at the mouth of Beard's branch, and shall be vested in Alexander Bolling Stark, and his heirs and assigns, for the term of seven years; and that the rates of ferriage shall be as follows, viz.—for every foot passenger, four cents; for every man and horse, six cents; for every head of other horses, four cents; for every two wheeled carriage, and the horse or horses, in gears or harness, with the rider or driver, thirty-seven cents; for every four wheeled carriage, and the horses in gears or harness, and the rider or driver, fifty cents; for every head of horned cattle, sheep, goats or hogs, two cents.

Ferry over Sa-
luda, vested in
A. B. Stark.

XXVI. *And be it further enacted* by the authority aforesaid, That the roads leading from the ferry hereby vested in Alexander Bolling Stark, to Granby, from the said ferry to Compt's bridge, from the same to Spring Hill, and from the same to Faust's ford, on Broad river, shall be opened, straightened and kept in repair, and are hereby declared to be public roads; and that John Malone, Robert Stark, Jesse Arthur and Benjamin Hext, are hereby appointed commissioners for opening the same, and are fully empowered to call out all the male inhabitants within three miles of the same, to work thereon.

Roads.

XXVII. *And be it further enacted* by the authority aforesaid, That the thirtieth clause of the Act of the General Assembly, entitled "An Act for laying out certain roads and bridges," and passed the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, be, and the same is hereby, repealed, so far as relates to that part of the road lying in Saint Luke's parish.

Part of an Act
repealed.

XXVIII. *And be it further enacted* by the authority aforesaid, That Frederick Bell's bridge, on Lynch's creek, is hereby established as a toll bridge, and vested in the said Frederick Bell, for and during the term of seven years; and the said Frederick Bell, his heirs, executors, administrators and assigns, shall be entitled to the same rates as are allowed to be taken and received at McCallum's ferry, on the said creek.

Bridge vested
in F. Bell.

XXIX. *And be it further enacted* by the authority aforesaid, That the ferry called Hibben's ferry, near Hadrell's Point, be re-established, and vested in James Hibben, his heirs, executors, administrators and assigns, for the term of five years; and that the said James Hibben, his heirs, executors, administrators and assigns, be entitled to receive at the said ferry, during the term of three years, the following rates, viz.—single passenger, thirty-three cents; single horse, seventy cents; four wheeled carriage, one hundred and seventy-five cents; two wheeled carriage, seventy-five cents; horned cattle, twenty-one cents per head; hogs, goats and sheep, eight cents per head; and that no other ferry be kept or established within three miles of said ferry.

Hibben's ferry
re-established.

XXX. *And be it further enacted* by the authority aforesaid, That a public road be laid out from Rabb's mills, on Bush river, to Columbia; and that John Compt, George Bookright, Mathias Quadlebon, Michael Bates, and Giles Chapman, shall be, and are hereby appointed, commissioners for

Road from
Rabb's mills to
Columbia.

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laying out and keeping in repair the said road, and shall be vested with such powers and authority as have heretofore been or hereafter may be vested in and exercised by the commissioners of high roads; and the inhabitants, from sixteen to fifty years of age, residing within five miles of said road, shall be obliged to work thereon, for any number of days in each year, not exceeding ten days.

Ferry over
Winyaw Bay
to be establish-
ed.

XXXI. *And be it further enacted* by the authority aforesaid, That George Heriot, Joseph Blythe, Benjamin Allston, Sen., Benjamin Huger and John Labruce, be appointed commissioners, and they, or a majority of them, shall fix on a proper and convenient place for the purpose of establishing a ferry over Winyaw Bay; and that in case the said commissioners, or a majority of them, do not meet and fix on the proper place for establishing the said ferry, within six months after the passing of this Act, they, and each of them, so failing to meet and fix on a proper place, shall forfeit and pay, to the use of the State, the sum of forty dollars.

XXXII. *And be it further enacted* by the authority aforesaid, That when the commissioners appointed by this Act shall have met and fixed upon a proper place, agreeably to this Act, they, or a majority of them, shall make and give the commissioners of the high roads for Allsaints and Prince George parishes, an account, in writing, of the place they have fixed upon for the said ferry; and the commissioners of the roads aforesaid shall make and keep in repair the roads leading to said ferry, as they do other high roads; that the following, and no other, rates for ferriage, shall be taken and received, viz.—for every four wheel carriage, horses, riders and drivers, two dollars; for every two wheel carriage, horses and riders, one dollar; for every man and horse, fifty cents; for every led horse, and head of horned cattle, (37½) thirty-seven and a half cents; for every foot passenger, (25) twenty-five cents; for every head of sheep, goats and hogs, per head, (12½) twelve and a half cents; and that the said ferry shall be, vested in the person or persons, each side of the river, on whose lands the landing place shall be placed by the commissioners, for the term of fourteen years, who shall be entitled to receive and take the above rates of ferriage, and no other.

Act vesting a
bridge over
Congaree river
in Wade
Hampton, re-
vived.

XXXIII. *Whereas*, an Act of the General Assembly, for vesting a bridge to be built by Wade Hampton, (at his own expence, across Congaree river,) his heirs and assigns, was passed on the 19th February, 1791, with certain exclusive privileges therein contained to the said Wade Hampton. *And whereas*, the said bridge has been destroyed by an unusually high flood. And the said Wade Hampton being absent from the State, and the term allowed in the said Act for rebuilding the said bridge, expired before he could rebuild the same; and the said Wade Hampton having, by his petition to the House, prayed for an extension of his right to rebuild the said bridge. *Be it therefore enacted*, by the authority aforesaid, That the said above mentioned Act shall be, and the same is hereby, revived and made of full force and effect; and that the said Wade Hampton shall be, and he is hereby, vested with all the rights and privileges therein contained. *Provided*, he build a bridge across Congaree river, at or near the place that his late bridge was built, within two years after the passing of this Act, and keeps the same in proper repair. *And provided, also*, That nothing contained in the said Act, of the 19th of February, one thousand seven hundred and ninety one, being intended to be revived, shall be held or considered as precluding the establishment of any ferry, or erection of any bridge, across the said Congaree river, at any place or places opposite to or above Senate street, in the town of Columbia.

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XXXIV. *And be it further enacted* by the authority aforesaid, That the ferry commonly called Ashley ferry shall be, and the same is hereby, vested in John Fraser, for the term of seven years; and that it shall and may be lawful for the said John Fraser, his heirs, executors, administrators or assigns, to take and receive the following rates of ferriage, to wit:—for every foot passenger, three cents; for a man and horse, six and a quarter cents; for a led horse, three cents; for every wagon, or other four wheeled carriage, and horses and riders, twenty-five cents; for a chair or cart, with one horse, and driver or rider, twelve and a half cents; for every head of black cattle, hogs, sheep or goats, two cents; and for each rolling hoghead of tobacco, with the horse or horses and driver, twelve and a half cents. And *whereas*, the aforesaid ferry is of very great resort, and a post road; it is therefore necessary that it should be effectually attended by two sufficient flats, ropes, and two sufficient fellows, and that the causeway be always kept in such repair as has been heretofore prescribed by law. The commissioners of the roads of the parish of St. Andrew are hereby empowered to direct and superintend the same, and to enforce the due observance and execution thereof, in the same manner as they were heretofore empowered in any of the Acts relative to Ashly bridge or ferry.

Ashley ferry
vested in John
Fraser.

Causeway to
be kept in good
order.

XXXV. *And be it enacted* by the authority aforesaid, That Peter Mouzon, Sen., James Burgess, Robert Frierson, and Henry Mouzon, Sen., be, and are hereby appointed, commissioners on the north side of Black river, and that James Campbell, William Buford and Isaac Keels, be, and are hereby appointed, commissioners on the south side of said river, to lay out, open, clean and keep in repair, the present road leading down the south side of Lynch's creek, to Pudding swamp on Black river, and to continue the same to Mouzon's landing on Black river, and thence over Mouzon's bridge, the most direct course towards Santee, so as to fall into the road leading from Benbow's ferry, on Black river, to Murray's ferry on Santee; and that the said commissioners be authorized to call upon all the male inhabitants from the age of sixteen to fifty years of age, residing within three miles of the said road, to lay out, clear and keep the same in repair, as a public road.

Road from
Lynch's creek
to Pudding
swamp, and to
Murry's ferry
on Santee.

XXXVI. *And be it further enacted* by the authority aforesaid, That all persons who are now exempted by law from paying toll or ferriage at any ferry or bridge established in this State, shall be, and they are hereby declared to be, freed and exempted from the payment of toll or ferriage at any bridge or ferry established by this Act; and if the owners, keepers or proprietors, of any bridge or ferry, shall insist on receiving, or compel, by threats or other like means, the payment of toll or ferriage from any person or persons so declared to be exempted from the payment of the same, that such person or persons, guilty of such exaction, shall be subject and liable to a fine not exceeding the sum or four dollars, to be recovered by warrant under the hand and seal of any justice of the peace of this State, living in the county or parish adjoining to the bridge or ferry where such exaction shall or may be made as aforesaid.

Persons ex-
empted from
toll.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr., *Speaker of the House of Representatives.*

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No. 1704. AN ACT TO VEST THE POWERS OF SUPERINTENDING THE PUBLIC ROADS OF THE COUNTIES OF KERSHAW, FAIRFIELD, CHESTER, YORK AND UNION, IN COMMISSIONERS, INSTEAD OF THE COUNTY COURTS.

WHEREAS, it is deemed expedient to vest the powers of superintending the public roads of the several counties hereinafter mentioned, in commissioners, instead of the Judges of the said counties.

Commissioners
appointed for
sundry coun-
ties

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That James Chesnut, Burwell Boykin, Douglas Stark, Jacob Chambers, James Cowser, Adam McWilley, William Lang, George Miller, and Thomas Whitaker, be, and they are appointed, commissioners of the high roads, bridges, causeways and watercourses, of and in the county of Kershaw.

II. *And be it enacted* by the authority aforesaid, That David Leech, Sen. Edward Moorehead, Abraham Green, Elias Davidson, John McCaul, Abraham Roach, John Harris, Joseph Moore, and James Jamieson, be, and they are hereby appointed, commissioners of the high roads, bridges, causeways and watercourses, of and in the county of York.

III. *Be it further enacted* by the authority aforesaid, That John Woodward, Moses Hill, John Buckhannon, William McMorris, jr., James Barber, James Alston, Austine Pea, Daniel Mayberry, and Charles Picket, be, and they are hereby appointed, commissioners of the high roads, bridges, causeways and watercourses, of and in the county of Fairfield.

IV. *Be it further enacted* by the authority aforesaid, That John McKown, Joseph Gaston, James Crawford, George Gill, John Pratt, Thomas Jenkins, Claton Rogers, Robert Owens, and James Anderson, be, and they are hereby appointed, commissioners of the high roads, bridges, causeways and watercourses, of and in the county of Chester.

Their powers.

V. *And be it further enacted* by the authority aforesaid, That Thomas Blasgenham, John Jeffreys, Thomas Vaughan, Edward Tilman, Benjamin Woodson, William Hogan, Joseph McJenkins, William Johnson, and John Martindale, be, and they are hereby appointed, commissioners for the high roads, bridges, causeways and watercourses, of and in the county of Union. And the commissioners aforesaid are hereby vested with the same authorities and privileges, and made subject to the same fines and penalties, and are to be governed by the same laws and regulations, as the commissioners of the roads are in those parts of the State where county courts are not established.

Vacancies,
how filled.

VI. *And be it further enacted* by the authority aforesaid, That whenever any vacancy shall happen among any of the boards of the said commissioners, by death, removal out of the county, resignation or refusal to qualify, that the same shall be filled up in the manner prescribed by an Act passed the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, entitled "An Act to alter and amend an Act respecting high roads, bridges, causeways and watercourses, passed the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-five."

VII. *And be it further enacted* by the authority aforesaid, That so much of any Act or Acts of the Legislature of this State, as is or are

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repugnant to or inconsistent with this Act, be, and the same is hereby, repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr., *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH CERTAIN ROADS AND FERRIES; AND FOR OTHER No. 1727.
PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly; and by the authority of the same, That from and immediately after the passing of this Act, that a ferry commonly known by the name of Sturges's ferry, near the Old Nation Ford, on Catawba river, shall be continued and established as a public ferry for the term of fourteen years; and be vested in Daniel Sturges and Thomas Spratt, the younger, and their heirs and assigns. And they are hereby permitted to receive the former rates of ferriage established by law for the said ferry. Sturges's ferry on Catawba river.

II. *And be it further enacted* by the authority aforesaid, That the ferry on Little Peedee river, known by the name of Moody's ferry, be, and the same is hereby, established a public ferry; and vested in Daniel Carmichael, and his heirs and assigns, for the term of seven years. And that no person or persons shall be permitted to build a bridge or establish a ferry within three miles of the said ferry, either above or below the same. And that the following rates of ferriage shall be established for the same, viz:— for every passenger on foot, four cents; for every man and horse, seven cents; for every head of other horses, four cents; for every two wheeled carriage, and horse or horses drawing the same, twenty-five cents; for every four wheeled carriage, and horses drawing the same, fifty cents; for every rolling hogshead, horses and drivers, twenty-five cents; for every head of horned cattle, sheep, goats and hogs, two cents. Moody's ferry, on Little Pee-dee.

III. *Be it enacted* by the authority aforesaid, That Thomas Broxton, Jacob Mole, John Wildon Brown, Jacob Folk, Samuel Miley, and John Irvin, be, and they are hereby appointed, commissioners to lay out and keep in repair, a road leading from the Stage road from Charleston to Augusta, to Broxton's ferry, and crossing the old Cowpen ford, on Little Saltcatcher, direct to Orangeburgh. And that the inhabitants shall be liable to be called out, within a distance not exceeding two miles, to cut and put the said road in repair. And the said road shall, when so cleared and put in repair, be subject to the direction of the commissioners of the roads in the respective districts where the same shall pass. Road from stage road from Charleston to Augusta, to Broxton's ferry.

IV. *And be it further enacted* by the authority aforesaid, That the ferry commonly called Broxton's ferry, on Great Saltcatcher, shall be, and the

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Broxton's ferry.

same is hereby, established a public ferry ; and vested in the said Thomas W. Broxton, and his heirs and assigns, for the term of seven years. And that the following rates of ferriage shall be established for the same. For every foot passenger, three cents ; for every man and horse, seven cents ; for every two wheeled carriage, and the horse or horses drawing the same, twenty-five cents ; for every four wheeled carriage, and the horse or horses drawing the same, thirty-seven cents.

Columbia ferry established.

V. *And be it further enacted* by the authority aforesaid, That a public ferry be established over the Congaree river, from the extremity of Senate street ; and the profits arising therefrom be equally divided, one half to be vested in the Trustees of the Columbia Academy, for the benefit of that institution, and the other, in the heirs of Richard Hampton, deceased, for the term of fourteen years. And that the rates of ferriage be established as are established at the ferry known by the name of Hampton's ferry, on the said river Congaree.

Road from Kingtree to Couper's ferry.

VI. *And be it further enacted* by the authority aforesaid, That Thomas Blackwell, Josias Dupre, and John McClary, be, and they are hereby appointed, commissioners to re-establish a road leading from Kingtree to Cooper's ferry, on the north side of Black river. And that the said commissioners join the board of Kingtree commissioners for the re-establishing of the said road. And that the board of commissioners of the roads in the parish of Prince George, shall appoint one or more persons, living near the said road, as commissioners to superintend the opening and keeping in repair the said road, from the place where the road as aforesaid, shall cross the divisional line between the county of Williamsburgh and the parish of Prince George. And that the said persons so appointed shall be members of the board of commissioners of the roads of the said parish, shall be vested with the same powers, and be subject to the same penalties, as other commissioners of roads are now or shall hereafter be vested with or subject to.

From line of Williamsburgh to Prince George.

Port's ferry, on Peedee.

VII. *And be it further enacted* by the authority aforesaid, That the ferry on Great Peedee river, belonging to Frances Port, be, and the same is hereby, re-established ; and vested in the said Frances Port, her heirs and assigns, for the term of seven years. And that the former rates of ferriage by law, be, and the same are hereby, allowed to be taken at the said ferry.

Ferries over Tugaloo and Keowee rivers.

VIII. *And be it further enacted* by the authority aforesaid, That two ferries in the fork of Tugaloo and Keowee rivers, one to cross each of the said rivers, shall be vested in Samuel Earle, Esquire, for the term of fourteen years. And during that time, the following rates of ferriage shall be paid at each of the said ferries. For every four wheeled carriage and horses in harness or gears, with the riders and driver, fifty cents ; for every two wheeled carriage and horses drawing the same, with the riders and driver, twenty-five cents ; for every hogshead of rolled tobacco, and the horse or horses drawing the same, with the driver, twelve and a half cents ; for every head of horses, four cents ; for every head of black cattle, two cents ; for every foot passenger, four cents ; for every head of hogs, sheep and goats, two cents ; every man and horse, seven cents. And no ferry or bridge shall be erected or established within three miles above or below the said two ferries by this law vested in the said Samuel Earle.

Road from Bruington's lake to Murray's ferry.

XIX. *And be it further enacted* by the authority aforesaid, That a public road be laid out and opened, from Bruington's Lake, on the south branch of Black River, the best and most direct way, to Cambles's Musterfield, on McGirt's swamp ; from thence to Murray's ferry, on Santee, agreeable to a

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line marked out for that purpose, by John Hardwicke, surveyor. And that the present road from said musterfield to Santee, be no longer continued as such by the commissioners of the boards having jurisdiction over the same. And that William Taylor, John Conyers, James Campbell, William Neilson, Isaac Keels, and Theodore Gourdine, be, and they are hereby appointed, commissioners to lay out, open and complete the said road, from Bruington's Lake to Santee, as above directed. And the said board of commissioners, or a majority of them, shall have the power to call out all the male slaves, from the age of sixteen to fifty years of age, residing within ten miles of said road, provided they do not exceed six days in a year. *Provided*, the slaves residing on the west side of the road leading from Mounzon's bridge, on Black River, to McGirt's swamp, be exempted from working on the road hereby intended to be laid out and opened.

X. *And be it further enacted* by the authority aforesaid, That a toll bridge be, and the same is hereby, established over Big Saltcatcher river, at the place where Livermore's bridge was erected on the said river; and that the toll bridge be vested in the present proprietor, William Weekley, his heirs and assigns, for the term of fourteen years. And it shall not be lawful for any person or persons, during the term aforesaid, to keep a ferry or ferries, or erect any other toll bridge, within three miles of the bridge aforesaid, on the said river. And the said William Weekley, his heirs and assigns, shall, during the time aforesaid, be entitled to receive at said toll bridge, the toll at present or formerly received at the said bridge.

Toll bridge established, and vested in W. Weekley.

XI. *And be it further enacted* by the authority aforesaid, That all persons who are now exempted by law from paying toll or ferriage, at any ferry or bridge now established in this State, shall be, and they are hereby declared to be, freed and exempted from the payment of toll or ferriage, at any bridge or ferry established by this Act; and that if the owners, keepers or proprietors of any bridge or ferry, shall insist on receiving, or compel by threat, or other like manner, the payment of toll or ferriage, from any person or persons so declared to be exempted from the payment of the same, that such person or persons guilty of such exaction, shall be subject and liable to a fine, not exceeding the sum of four dollars, to be recovered by warrant, under the hand and seal of any justice of the peace of this State, living in the county or parish adjoining to the bridge or ferry where such exaction shall or may be made as aforesaid.

Persons exempt from toll or ferriage.

XII. *And be it enacted* by the authority aforesaid, That William Sturges be, and is hereby appointed, commissioner for the purpose of clearing out the lower Three Runs, and opening and continuing the navigation of the same, instead of Joseph Harley, who refuses to serve.

Commissioner appointed.

XIII. *And be it further enacted* by the authority aforesaid, That the following rates of ferriage be received and taken at the ferry established [and vested] in John Allison, in the year one thousand seven hundred and ninety-eight, viz.—for every four wheel carriage, horses and riders, seventy-five cents; for every two wheel carriage, or rolling hogshead, horses and drivers, thirty-seven and one half cents; for every man and horse, seven cents; for every foot passenger and led horse, and head of cattle, sheep, hogs or goats, three cents.

Rates of ferriage at Allison's ferry.

XIV. *Be it further enacted* by the authority aforesaid, That so much of the Act passed on the nineteenth day of February, one thousand seven hundred and ninety-one, as relates to a road to be laid off from Tunbridge to the mouth of Savannah back river, be, and the same is hereby, repealed, for the term of one year; and that all the hands who would have been

Wright's Cut to be worked on.

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liable to work on the said road, be, and the same are hereby, compelled to work on Wright's cut, for the purpose of clearing out the same, for the term of one year only.

Freeholders to ascertain the distance from Hibben's ferry to Lamprier's Point.

XV. *Whereas*, a dispute exists between Clement L. Prince and James Hibben, respecting the distance between the ferry of the said James Hibben and Lamprier's Point, at which place the said Clement L. Prince has prayed for the re-establishment of a ferry. *Be it therefore enacted*, That the said Clement L. Prince and James Hibben, be, and they are hereby, authorized and directed to appoint, each, a freeholder, residing in the neighborhood, which freeholders shall have a power to choose a third, (in case of a disagreement between them,) to ascertain accurately the distance between the two places aforesaid; and when they shall have so ascertained the distance, that they shall return the same to the Legislature at their next sitting, duly certified under their hands and seals.

Keepers of ferries, &c., to have their rates fixed up, &c.

XVI. *And be it enacted* by the authority aforesaid, That every person or persons, their heirs or assigns, in whom public ferries, toll bridges or causeways have been or shall be vested by law, shall keep fixed up, in some conspicuous place, the several rates as are or shall be established by law; and if any person or persons, their heirs or assigns, in whom public ferries, toll bridges or causeways have been or shall hereafter be vested, shall neglect or refuse to keep fixed up their several rates as established by law, such keeper or keepers of a public ferry, toll bridge or causeway, shall forfeit all such toll as they would have been entitled to receive. Or should any keeper of any such public ferry, toll bridge or causeway, ask, demand or receive greater rates than are fixed or authorized by law, every such person shall be liable to forfeit treble such rates, to be recovered by warrant and execution from any justice of the peace.

Liabilities of comm'rs.

XVII. *And be it further enacted* by the authority aforesaid, That the commissioners of roads, appointed by resolution, during the present or any other session of the Legislature, be, and they are hereby, vested with all the powers, rights and privileges, and made liable to the same penalties, which by law all other commissioners of the roads in this State are vested with, and to which they are made liable.

Line to be run between Chesterfield and Darlington.

XVIII. *And be it further enacted* by the authority aforesaid, That Alexander Craig, William Falconer and Erasmus Powe, or any two of them, be, and they are hereby appointed, commissioners on behalf of Chesterfield district; and Robert Ellison, William Zimmerman and David R. Williams, on behalf of Darlington, be commissioners to run out the dividing line between the said districts; and that the Legislature will provide for the expense thereof.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

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A. D. 1800.

AN ACT TO ESTABLISH CERTAIN ROADS AND FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1739.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, a ferry shall be, and is hereby, re-established, from the town of Beaufort to the point of Lady's Island, at present owned by Joseph Jenkins, Junior, and that the same shall be continued for the term of seven years, and be vested in James Agnew, his heirs and assigns, for the said term; and also, that the following rates of ferriage shall be fixed for the same, and received, and no more, to wit:—for every passenger on foot, twenty-five cents; for every man and horse, fifty cents; for every head of horses, twenty-five cents; for every head of neat cattle, fifty cents; for every two wheeled [carriage,] and horse or horses drawing the same, seventy-five cents; for every four wheeled carriage, and horses drawing the same, one hundred cents; for every rolling hogshead, horses and driver, for every head of sheep, goats and hogs, ten cents.

Ferry estab-
lished, and
vested in J.
Agnew.

II. *And be it further enacted* by the authority aforesaid, That the Cut commonly called Wall's Cut, shall be opened, cleared out and worked upon, so as to be made navigable. That John David Mongin, Samuel Fickling and Francis Hopkins, be appointed commissioners for carrying the same fully into effect; but that when the same shall be so rendered navigable, that it shall be the duty of the commissioners of the roads for the parish in which the said Cut is situated, to continue and keep the same open and in good repair; and that it shall be the duty of all the male inhabitants and male slaves, resident within ten miles on the main land, and twenty-five miles on each side of the said Cut, to attend and work upon the same, in clearing, opening and keeping the same in repair, under such penalties, in cases of neglect of duty, as are imposed by law upon defaulters in working upon the public roads. *Provided*, that the persons liable to work on said Cut, should not be obliged to work thereon more than six days in any one year.

Wall's Cut to
be opened.

III. *And be it further enacted* by the authority aforesaid, That a toll bridge shall [be,] and is hereby, established over Edisto river, at the plantation of Christian Cremor; and that the same be vested in Stephen Curry, his heirs and assigns, for the term of fourteen years; and also, that the following rates shall be hereby fixed, to be taken at the said toll bridge, and no more, to wit:—for every foot passenger, four cents; for every head of horses, four cents; for every head of black cattle, four cents; for every head of hogs, sheep or goats, two cents; for every man and horse, seven cents; for every two wheeled carriage, with horse or horses and drivers, thirty-seven and one half cents; for every four wheeled carriage, with horses and drivers, fifty cents; for every hogshead of rolled tobacco, with horse or horses and drivers, twelve cents.

Bridge over
Edisto, vested
in S. Curry.

IV. *And be it enacted* by the authority aforesaid, That a toll bridge shall be, and the same is hereby, established at the plantation of Benjamin Harrelson, on Little Peedee; and that the same be vested in the said Benjamin Harrelson, his heirs and assigns, for the term of seven years; and that it shall not be lawful for any person or persons, during the term aforesaid, to keep any ferry or ferries, or to erect any bridge over the same, within three miles of the said toll bridge; and also, that the following rates of toll be hereby fixed to be taken at the said bridge, and no more,

Bridge over
Little Peedee,
vested in B.
Harrelson.

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to wit :—for every head of horses, four cents ; for every head of black cattle, four cents ; for every head of sheep, goats or hogs, two cents ; for every foot passenger, four cents ; for every man and horse, seven cents ; for every two wheeled carriage, with horses and drivers, fifty cents ; for every four wheeled carriage, with horses and drivers, seventy-five cents ; for every hogshead of tobacco, with horses and drivers, twelve cents.

Bridge over
Saluda, vested
in J. Maxwell.

V. *And be it enacted* by the authority aforesaid, That a toll bridge or ferry shall be, and the same is hereby, established over Saluda river, at the plantation of John Maxwell ; and that the same be vested in the said John Maxwell, Senior, his heirs and assigns, for the term of fourteen years ; and that it shall not be lawful for any person or persons to establish any ferry or to erect any other bridge over the said river, during the said term of years, within three miles of the said toll bridge or ferry ; and also, that the following rates of toll are hereby fixed and to be taken at the said bridge or ferry, and no more, to wit :—for every horse, four cents ; for every head of black cattle, four cents ; for every head of sheep, goats or hogs, two cents ; for every foot passenger, four cents ; for every person on horse back, seven cents ; for every hogshead of tobacco, with a horse or horses and driver, twenty cents ; for every two wheeled carriage, with horse or horses and driver, fifty cents ; for every four wheeled carriage, with horses and drivers, seventy-five cents. *Provided nevertheless*, that the exclusive privilege do not extend, or be so construed, as to effect the rights and privileges of any private bridge or ferry already erected or to be erected within the limits of said exclusive privilege.

Ferry over
Broad river,
vested in Wm.
Netterville.

VI. *And be it enacted* by the authority aforesaid, That a ferry shall be, and the same is hereby, established over Broad river, at the plantation of William Netterville ; and that the same be vested in the said William Netterville, his heirs and assigns, for the term of seven years ; and that during the said term it shall not be lawful for any person or persons to erect any bridge, or to establish any ferry, within three miles of the said ferry ; and also, that the following rates of ferriage be hereby fixed to be taken at the same ferry, and no more :—for every head of sheep, goats or hogs, two cents ; for every horse, four cents ; for every head of neat cattle, four cents ; for every foot passenger, four cents ; for every passenger on horse back, seven cents ; for every two wheeled carriage, with a horse or horses and driver, twenty-five cents ; for every four wheeled carriage, with horses and driver, fifty cents ; for every hogshead of tobacco rolled, with horses and drivers, twelve cents. *Provided*, that the said privilege of three miles do not interfere with any other bridge or ferry on the said river.

Roads to said
ferry.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads in the respective districts, be hereby authorized and required to cut and keep in repair such roads as they may deem necessary, to and from said ferry.

Ferry over
Broad river,
vested in C.
Weber.

VIII. *And be it enacted* by the authority aforesaid, That a ferry be, and the same is hereby, established over Broad river, at the plantation of Caspar Weber, near the boundary line of North Carolina ; and that the same be vested in the said Caspar Weber, his heirs and assigns, for the term of seven years ; and that it shall not be lawful for any person or persons to erect any bridge, or establish any ferry, within three miles below the said boundary line ; and also, that the following rates of ferriage be fixed to be taken at the said ferry, and no more :—for every head of sheep, goats or hogs, two cents ; for every horse, four cents ; for every

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foot passenger, four cents; for every passenger on horse back, seven cents; for every two wheeled carriage, with a horse or horses and driver, twenty-five cents; for every four wheeled carriage, with horses and drivers, fifty cents; for every hogshead of tobacco rolled, with horses and drivers, twelve cents. *Provided nevertheless*, that the said Caspar Weber, his heirs and assigns, during the term aforesaid, shall keep in good repair the roads leading to and from the said ferry. And also, *provided, nevertheless*, that none of the bridges or ferries established by this Act shall in any wise interfere with or infringe the rights of any person or persons in whom any bridge or ferry is vested by law.

IX. *And be it further enacted* by the authority aforesaid, That the inhabitants of the village of Granby, and the inhabitants lying between the road called the New road and Saluda river, shall be, and they are hereby, exempted from working on the said New road, from the plantation of Dionisius Blakely, to that of Joseph Williams, inclusive. *Provided, nevertheless*, that it shall not be lawful for any person or persons to fell trees or brush in or across the said road, or obstruct or hinder any person or persons being desirous of keeping the same in repair, from so doing, at his or their own expense, on pain of forfeiting fifteen dollars; to be recovered before any justice of the peace. Who exempt.

X. *And be it enacted* by the authority aforesaid, That the road leading through the plantation of Edward Freer, on James Island, from the public landing cross road, to the road leading to Dill's Bluff, and from thence to the road leading to the meeting house, near to Mrs. Hyrne's, shall be no longer considered a public road, and that it may be lawful to stop up the same. Road on James Island discontinued.

XI. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established over Saluda river, at the plantation of Philemon Waters; and that the same shall be, and is hereby, vested in Philemon Waters, and his heirs and assigns, for the term of seven years. And the rates of ferriage payable at the said ferry, shall be,—for every foot passenger, four cents; for every man and horse, seven cents; for every led horse, four cents; for every head of black cattle, two cents; for every head of hogs, sheep and goats, two cents; for every carriage upon two wheels, with the rider or riders, and horse or horses in gears or harness, twenty-five cents; for every carriage on four wheels, and riders and horses therewith, fifty cents; and for every hogshead of tobacco, rolled, with the horses and driver, twenty-five cents. And that it shall not be lawful for any person or persons to establish any ferry or erect any bridge within three miles of the said ferry. *Provided*, that the said privilege of three miles do not interfere with any other bridge or ferry on the said river. Ferry over Saluda, vested in P. Waters.

XII. *And whereas*, doubts have arisen in many instances, where ferries and bridges are established by law in the vicinity of each other, by which rule the distance should be measured between them. *Be it therefore enacted* by the authority aforesaid, That in all disputed cases whatsoever, to arise under this Act, or any future Act for the establishment of ferries and bridges in this State, the disfranchising space, whether within three or more miles, be admeasured, either by the distance by water, or the approachable road; and in no case by a straight line, except where a travelling and practicable road exists in such straight line, or might be as easily made, and at as little expense and inconvenience to the public, as in any other course. Distance between ferries, how ascertained.

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ferry, over Sa-
luda.

XIII. *And be it further enacted* by the authority aforesaid, That a ferry be, and the same is hereby, established over Saluda river, at or near where Thomas Chappell had a bridge; and that the said ferry be vested in the said Thomas Chappell, his heirs and assigns, for the term of seven years. And that it shall not be lawful for any person or persons to erect any bridge or to establish any ferry over the said river, within three miles of the said ferry. And also, that the following rates of ferriage be received at the said ferry, and no more, to wit:—for every sheep, goat or hog, two cents; for every head of neat cattle, four cents; for every horse, four cents; for every foot passenger, four cents; for every passenger on horseback, seven cents; for every two wheeled carriage, with horse or horses, and driver or drivers, twenty-five cents; for every four wheeled carriage, with horses and drivers, fifty cents; for every hogshead of tobacco, with horses and drivers, twelve cents.

Ferry over Sa-
luda, vested in
Cox & Gwyn.

XIV. *And be it enacted* by the authority aforesaid, That a ferry be established over Saluda river, at the plantations of James Cox and Morris Gwyn; and that the same be vested in the said James Cox and Morris Gwyn, their heirs and assigns, for the term of seven years. And also, that the following rates of ferriage be fixed to be taken at the same, and no more, to wit:—for every sheep, goat or hog, two cents; for every head of neat cattle, four cents; for every horse, four cents; for every passenger on foot, four cents; for every passenger on horseback, seven cents; for every two wheeled carriage, with a horse or horses, and driver or drivers, twenty-five cents; for every four wheeled carriage, with horses and drivers, fifty cents; for every hogshead of tobacco, with horses and drivers, twelve cents. And that the commissioners of the roads for Newberry and Edgefield districts be, and they are hereby, authorized and empowered to open, establish, work upon and keep in repair, such roads leading to and from the said ferry as they may deem necessary.

Calk's ferry,
over Saluda.

XV. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and the same is hereby, established over Saluda river, near Dunbar's ford; and that the same be vested in William Calk and Jas. Calk, their heirs and assigns, for the term of seven years. And also, that the following rates of ferriage be fixed to be taken at the said ferry, and no more, to wit:—for every hog, sheep or goat, two cents; for every head of neat cattle, four cents; for every horse, four cents; for every foot passenger, four cents; for every passenger on horseback, seven cents; for every two wheeled carriage, with horse or horses and drivers, twenty-five cents; for every four wheeled carriage, with horses and drivers, fifty cents; for every hogshead of tobacco, with horses and drivers, twenty cents. And that the commissioners of the roads for the county of Lexington and district of Newberry, on the two sides of the said river, be, and they are hereby, authorized and empowered to lay out, open, work upon and keep in repair, a road from the plantation of Samuel McQuarrans, to cross Saluda river at the said ferry; and from thence to continue to the road called Kelly's, leading to Orangeburgh. *Provided, nevertheless,* that none of the toll-bridges or ferries hereby established, shall interfere with or infringe the rights of any person or persons who possess toll bridges or who have ferries vested in them upon any river in the said Act mentioned.

XVI. *And be it enacted* by the authority aforesaid, That a road shall be, and the same is hereby, established, to lead from Camden to cross

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Lynch's Creek at or near the plantation of George Evans; and from thence, to proceed in the best and most direct course, to Greenville, on Peedee. And that the commissioners of the roads for the respective districts of Chesterfield and Kershaw, living on each side of Lynch's Creek, are hereby directed to lay out, open, grub and keep in repair the said road. And that they be empowered to call upon all the male inhabitants, liable to work upon the roads, residing in the said two districts, within six miles of the said road, to work upon and keep the same in repair, if the said commissioners of the roads shall think fit and direct.

Road from
Camden to
Greenville.

XVII. *And be it enacted* by the authority aforesaid, That all persons who are now exempted by law from paying toll or ferriage at any ferry or bridge now established in this State, shall be, and they are hereby declared to be, freed and exempted from the toll or ferriage at any bridge or ferry established by this Act. And that if the owners, keepers or proprietors of any bridge or ferry, shall insist on receiving, or compel, by threats or other like means, the payment of toll or ferriage, from any person or persons so declared to be exempted from the payment of the same, that such person or persons, guilty of such exaction, shall be subject and liable to a fine not exceeding the sum of four dollars; to be recovered by warrant, under the hand and seal of any justice of the peace in this State, living in the county or parish adjoining to the bridge or ferry where such exaction shall or may be made as aforesaid.

Who exempt
from paying
ferriage.

XVIII. *And be it enacted* by the authority aforesaid, That the commissioners now composing the different boards of commissioners in the county of Williamsburgh, shall convene at the house of Samuel Snowden, in the said district, on the first Monday in April next, to proceed in the further discharge of their duties, required by the Act of Assembly, passed in the year of our Lord one thousand, seven hundred and eighty-eight.

Commissioners
for Williams-
burgh, when to
meet.

XIX. *And be it enacted* by the authority aforesaid, That in lieu of the rates of ferriage heretofore established by law, the following rates of ferriage shall be taken and received at the ferry across Winyaw Bay, from the Back landing, near Georgetown, to Winyaw Creek, in the parish of All Saints. For every foot passenger, fifty cents; for every man and horse, one dollar; for every horse and chair, and riders, two dollars; for every four wheeled carriage, and horses in harness, and driver and drivers, four dollars; and for every led horse, seventy-five cents; for every head of cattle, seventy-five cents; for every head of sheep, hogs and goats, twelve and a half cents.

Rates of ferri-
age.

XX. *And be it enacted* by the authority aforesaid, That there shall be no more than one board of commissioners of the roads in each district in this State, where such district is composed of but one county or parish; and where there is more than one county or parish in any district, the commissioners of each parish or county shall form a distinct and separate board, whose duty it shall be to convene twice in each year, for the purpose of performing the duties of their office.

Separate
boards.

XXI. *Whereas*, in and by an Act of the General Assembly, certain persons were nominated and appointed commissioners for Port Royal, now Port Republic, ferry, and all the said commissioners, except Captain Frederick Fraser, have departed this life, or have quitted the State. *Be it enacted*, That Thomas Fuller, Charles J. Colcock, William Smith, James Bowman, Thomas Talbird, John Rhodes, Robert Barnwell, and William Elliott, be, and they are hereby appointed and constituted, commissioners

Commissioners
appointed for
Port Republic.

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of Port Royal, now Port Republic, ferry, together with the said Frederick Fraser, with all the powers and authorities vested in that board by law.

Rates at
Burch's ferry.

XXII. *And be it enacted* by the authority aforesaid, That Joseph Burch is hereby authorized to receive and take the following rates of ferriage at his ferry established across Great Peedee river, to wit:—for every man and horse, ten cents; for every carriage, fifty cents; for every foot passenger, five cents; for every led horse, five cents; for every head of cattle, hogs, or sheep, three cents.

XXIII. *And be it enacted* by the authority aforesaid, That Kenneth McCallum be, and he is hereby appointed, a commissioner for opening the navigation of Lynch's Creek, in addition to those appointed under the Act passed for that purpose.

Road from Potatoes ferry to Gap-way.

XXIV. *Whereas*, a dispute exists between the inhabitants of Williamsburgh and Winyaw counties, respecting the laying out a road from near Potatqe ferry, to a place called the Gapway. *Be it therefore enacted*, That each of the contending parties are hereby authorized and directed to appoint a freeholder, residing in that neighborhood, which freeholders shall have power to choose a third, in case of disagreement between them, to ascertain and report to the Legislature, at their next session, the expediency or inexpediency of opening the said road, and of discontinuing the one at present used.

Road to Cannon's bridge, on Edisto.

XXV. *Whereas*, by an Act passed the twenty-first day of December, one thousand seven hundred and ninety-nine, entitled "An Act to establish certain roads and ferries; and for other purposes therein mentioned," Samuel Miley and John Jervin were therein appointed as joint commissioners to lay out and keep in repair a road from the stage road of Charleston to Augusta, and to Broxton's ferry. *And whereas*, no such commissioners are to be found, *Be it therefore enacted* by the authority aforesaid, That Robert Miley and James Arwin be, and they are hereby appointed, commissioners to lay out the aforesaid road, from the old Cowpen ford to Mrs. Cannon's bridge, on the south fork of Edisto river, in addition to such commissioners as are appointed in the aforesaid Act.

R. Kitterall to be paid for building a bridge.

XXVI. *And be it enacted* by the authority aforesaid, That it shall and may be lawful for the commissioners of the roads for Orange county and Barnwell district, and they are hereby authorized and empowered, to lay a tax on the inhabitants of those districts, to pay Reuben Kitterall thirty-nine pounds, being the amount for building a bridge over South Edisto, at Odum's old ferry, which he built under a contract with three of the said commissioners, appointed by an Act of the Legislature of this State, and which hath been performed, as appears by the report of the committee of accounts.

Persons using their own boats, liable to pay ferriage.

XXVII. *And whereas*, many persons using their own boats and flats, are in the practice of landing upon, and using as a landing place, the ferry slips on both sides of Sampit creek, without rendering to the keeper of the ferry across the said creek any compensation therefor. *And whereas*, such practice is injurious and detrimental to the said keeper, he being compelled by law at all times to have and keep the necessary flats, boats and hands for attending on said ferry. *Be it therefore enacted* by the authority aforesaid, That any person or persons who shall hereafter choose to use his or their own flat or flats, boat or boats, for the purpose of transporting himself or themselves, his or their servants, horses and carriages, or shall transport any other person or persons, his or their servants, horses and carriages, and shall land upon, or use as a landing place, either of the

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ferry slips aforesaid, every such person and persons shall be liable, and are hereby declared to be obliged, to pay and render to the keeper of the said ferry, the legal ferriage established thereat.

XXVIII. *Whereas*, it is enacted by the tenth section of an Act, passed the twenty-first day of December, one thousand seven hundred and ninety-nine, entitled "An Act to establish certain roads and ferries," that the slaves residing on the west side of the road leading from Mouzon's bridge, on Black river, to McGill's swamp, be exempted from working on a road leading from Brewington's Lake to Santee. *Be it therefore enacted*, That the said clause, so far as it relates to exempt the slaves on the west side of the said road from working thereon, be, and the same is hereby, repealed. Road, &c.

XXIX. *And be it enacted* by the authority aforesaid, That all slaves residing on the north side of Black river, and on the east side of the said road, be, and they are hereby, exempted from working on the said road; and that William Nelson shall be exempted from working on the said road. Who exempt from working thereon.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH THE ROADS AND FERRIES THEREIN MENTIONED. No. 1769.

I. *Be it enacted*, by the Honourable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of the roads in the parishes of St. Thomas and St. Dennis, be, and they are hereby, empowered to assess a tax upon the male slaves, between sixteen and fifty years of age, in the said parishes, for the purpose of putting and keeping in repair the causeway leading to the ferry of William Clement. *Provided*, that the said William Clement do, from time to time, furnish the said commissioners with a sufficiency of wood and other materials for that purpose; and also, that the said William Clement keep all the slips in repair, at his own expense. *Provided also*, that nothing herein contained shall be construed so as to make said causeway a public road, more than heretofore. Comm'rs. to assess a tax on male slaves.

II. *And be it enacted* by the authority aforesaid, That the bridge now built across South Edisto river, by John Holman, at a place called Tyler's ferry, be, and the same is hereby declared to be, vested in the said John Holman, and his heirs, for the term of seven years, with the following rates of ferriage, to wit:—for every wagon and team, or other four wheeled carriage and horses, fifty cents; every rolling hogshead, twenty-five cents; for every foot passenger, six cents; every horse, six cents; for a chair or cart, with one horse, twenty-five cents; for each head of black cattle, sheep, hogs or goats, three cents; and for every man and horse, twelve cents. Bridge over Edisto, vested in J. Holman.

III. *And be it enacted* by the authority aforesaid, That a ferry shall be,

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Ferry vested in
J. P. Thompson.

and the same is hereby, established across Cangaree river, at a place called M'Cord's ferry; and that the same be vested in John Paul Thomson, and his heirs and assigns, for the term of fourteen years, with the following rates of ferriage, to wit:—for every foot passenger, six cents; for every man and horse, twelve cents; for every hogshead of tobacco, thirty-seven cents; for every head of black cattle, four cents; for every head of sheep, goats or hogs, four cents; for every carriage upon two wheels, with the rider or riders, fifty cents; for every carriage on four wheels, with the rider or riders, and horses therewith, one hundred cents.

Rates of fer-
riage at Ashley
ferry.

IV. *And be it enacted* by the authority aforesaid, That the following rates of ferriage shall be taken at Ashley ferry, after the passing of this Act, to wit:—for every four wheeled carriage or wagon, with two drivers and four horses in harness, forty-three and an half cents; for every four wheeled carriage or wagon, with one driver and two horses in harness, thirty-one cents; for every chair or cart, with one driver and one horse in harness, nineteen cents; for every rolling hogshead, with one driver and two horses, eighteen cents.

Ferry vested in
John Witherspoon.

V. *And be it enacted* by the authority aforesaid, That a ferry shall be established at Witherspoon's ferry, on Lynch's creek, and be vested in John Witherspoon, and his heirs, for the term of fourteen years; and that the rates of ferriage shall be—for every foot passenger, three cents; for every man and horse, six cents; for every led horse, three cents; for every head of black cattle, two cents; for every head of sheep, hogs and goats, two cents; for every carriage with two wheels, twenty-five cents; for every carriage of four wheels, seventy-five cents.

Ferry over
Savannah
river, vested in
A. Lee.

VI. *And be it enacted* by the authority aforesaid, That a public ferry shall be established across Savannah river, at the plantation of Andrew Lee; and that the same be vested in Andrew Lee, and his heirs, for the term of seven years; and that the same rates of ferriage shall be taken thereat as are by law authorized to be taken at Oliver's ferry, on the same river. *Provided nevertheless*, that nothing in this Act contained shall extend to interfere with the existing rights of the proprietors of other ferries and bridges on the said river.

Comm'rs. to
run dividing
line.

VII. *And be it enacted* by the authority aforesaid, That Benjamin Hart, Boling Stark and Thomas Fitzpatrick, be commissioners to run a dividing line between the parishes of Saragetha and St. Matthew's parish.

Road.

VIII. *And be it enacted* by the authority aforesaid, That a public road shall be laid out, cleared and grubbed, from Chesterfield court house to McCallum's ferry, on Lynch's creek; and that William Falconer, Joel Bullard, Alexander McNeil, Alexander McIntosh and John Norwood, Sen., be, and they, or a majority of them, shall be, commissioners to lay out, clear and grub the same; and that all persons within ten miles thereof, liable to work on the roads, shall be liable to work on the road aforesaid.

Road.

IX. *And be it enacted* by the authority aforesaid, That a public road shall be opened and kept in repair, leading from Gallivant's ferry to Conwayborough; and that all the male inhabitants, from sixteen to fifty years of age, within four miles of said road, shall be liable to work thereon; and that George Lewis, Reuben Hartsfield and Thomas Aiken Smith, be, and are hereby appointed, commissioners of the said road; and that the commissioners aforesaid shall form a board with the two commissioners on the road leading from Dog's Bluff to Kingston.

Comm'rs.
where to sit.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the roads in the district of Barnwell be, and they are hereby, authorized to sit at Barnwell court house, and not at Orangeburgh, as heretofore.

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XI. *Whereas*, by an Act establishing certain roads and ferries, passed the twenty-first day of December, one thousand seven hundred and ninety-eight, a ferry was established over Santee river, without any rates, at a place called Nelson's ferry, and vesting the same in Theodore Gourdin. *And whereas*, it is necessary that the said rates shall be defined. *Be it therefore enacted* by the authority aforesaid, That after the first day of January next, the following rates, and no other, shall be taken at the said ferry, that is to say :—for every four wheeled carriage, or wagon and team, with drivers, seventy-five cents; for every cart and driver, fifty cents; for every chair and driver, fifty cents; for every rolling hoghead, with two horses and driver, fifty cents; for every man and horse, twelve and an half cents; and for every head of cattle, sheep, hogs or goats, four cents. And when it shall be between long and short ferry, the rates of such ferry shall be raised one half; and in time of high-water, the said rates shall be doubled; any law, usage or custom to the contrary, hereof in any wise notwithstanding.

Rates of ferriage at Nelson's ferry.

XII. *And be it enacted* by the authority aforesaid, That there shall be opened and established a new road, from Horse creek bridge, in Edgefield district, to Minor's bridge, on Hollow creek, in Barnwell district; and that Thomas Newnan, Charles Goodwin, Jacob Zing, Abraham Ardis and Philip Lamar, or any three of them, be commissioners to cut and open the said road; and that all the male inhabitants, between the age of sixteen and fifty, within five miles of the said road, be compelled to work on the same.

Road.

XIII. *And be it enacted* by the authority aforesaid, That a ferry be established across Savannah river, at the plantation of Barnaby Bull Bellinger; and that the same be vested in the said Barnaby Bull Bellinger, and his heirs, until a road shall be cut to Thunderbolt's ferry.

Ferry over Savannah river, vested in B. B. Bellinger.

XIV. *And be it enacted* by the authority aforesaid, That a ferry shall be, and the same is hereby, established from the causeway extending from the Main to Cocosaw river, over the said river to Port Republic Island; and that the same be vested in the present directors of Port Republic bridge, and their successors, until the said bridge can be completed; and that such rates of ferriage shall be received at the said ferry, as shall be established by the commissioners of the roads.

Ferry vested in Directors of Port Royal bridge.

XV. *And be it enacted* by the authority aforesaid, That Major Cochran, Major Dunlap and William Lester, or any two of them, be appointed to make a survey and map of the lands between Swindle's and Maxwell's bridges, and report the same to the Legislature at their next session, that the question may be then determined, whether the former bridge does not infringe the privileges of the latter; and that in the mean time, Swindle's bridge be kept open, and the profits of the said bridge during that period shall be the property of the party in whose favor the right may then be determined; and that in the mean time, George Swindle be authorized to receive such rates of toll as are received at Maxwell's bridge.

Swindle's and Maxwell's bridges.

XVI. *And be it enacted* by the authority aforesaid, That a toll bridge shall be, and the same is hereby, established on the Carolina side of Savannah river, at Campbleton, on the land formerly belonging to John Hammond, deceased; and that the same be vested in Leroy Hammond and William Garratt, their heirs and assigns, for the term of twenty-one years; and that no bridge or ferry shall be established within three miles of the said bridge above, on this side of said river; and also, that the following rates of tollage be received at the said bridge, and no more :—

Bridge vested in Hammond and W. Garratt.

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for every four wheeled carriage, and horses drawing the same, seventy-five cents; for every two wheeled carriage, and horse or horses drawing the same, fifty cents; for every rolling hogshead, and drivers and horses, twenty-five cents; for every passenger on horseback, twelve cents; for every foot passenger, six cents; for every head of horses, six cents; for every head of neat cattle, four cents; for every head of sheep, goats or hogs, two cents.

Ferry to be
kept until a
bridge is built.

XVII. *And be it enacted* by the authority aforesaid, That until the said bridge is built, it shall and may be lawful for the said Leroy Hammond and William Garratt, their executors, administrators and assigns, to keep the said ferry at the same place it is now kept, and to receive and take the same rates and duties as are provided by this Act for the toll or pontage of the said bridge.

Bridge being
injured, flats to
be employed.

XVIII. *And whereas*, it may happen that the said bridge may in time to come receive such damage by storms, freshes or other unforeseen accidents, that the passage thereof may, for some time, become dangerous or impracticable. *Be it enacted* by the authority aforesaid, That in all such cases, it shall and may be lawful for the proprietor or proprietors of the said bridge for the time being, from time to time, as often as occasion shall require, to provide a proper and convenient ferry boat or boats to cross the said river, at such place as he or they shall judge to be most proper, and as near to the said bridge as conveniently may be; and then to take for passage over the said river, by such ferry or ferries, such rates and duties as are granted by this Act for the toll or pontage aforesaid. *Provided*, that such ferry or ferries shall not continue for any longer time than shall be necessary to repair or rebuild the said bridge, or longer than the passage over the same shall or may be dangerous or impracticable as aforesaid.

Three boards
of comm'rs. of
roads in Pen-
dleton district.

XIX. *And be it enacted* by the authority aforesaid, That in the district of Pendleton there shall be three boards of commissioners of the high roads, to wit:—one in each regimental district; any law, usage or custom to the contrary notwithstanding. And that the following persons be made commissioners, to wit:—Stephen Willis, Elijah Brown, William Ross, James Wardlaw, William Copeland, Samuel Barr, George Foster, Aaron Herrell, and Josiah Foster.

And three in
Edgefield.

XX. *And be it enacted* by the authority aforesaid, That in the district of Edgefield there shall be three boards of commissioners of the high roads, to wit:—one for each regimental district; any law, usage or custom to the contrary notwithstanding.

Ferry over
Peedee, vested
in C. Mandeville.

XXI. *And be it enacted* by the authority aforesaid, That a ferry shall be, and the same is hereby, established over Peedee river, at the old Cashaway ferry; and that the same be vested in Cornelius Mandeville, his heirs and assigns, for the term of fourteen years. And that no bridge or ferry shall be established within three miles of the same. And that the following rates of ferriage shall be received at the said ferry, and no more, to wit:—for every four wheeled carriage, and horses drawing the same, seventy-five cents; for every two wheeled carriage, horse or horses drawing the same, twenty-five cents; for every rolling hogshead, with horses and drivers, twenty-five cents; for every passenger on horseback, six cents; for every foot passenger, three cents; for every head of horses, three cents; for every head of neat cattle, four cents; for every head of sheep, goats or hogs, two cents. And that in times of long ferriage, the proprietor be, and he is hereby, authorized to demand and receive double ferriage.

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A. D. 1801.

XXII. *Whereas*, the number of commissioners of roads, as by law at present established, has been found, in several districts, too small. *Be it therefore enacted* by the authority aforesaid, That from and after the passing of this Act, the number of commissioners of roads in and for Darlington district, shall be increased to nine. And that Richard Brockinton and Noel Waddle shall be, and they are hereby appointed, commissioners of roads for the said district, in addition to those already appointed and acting as such. And that James B. Richardson and Thomas N. Johnson be, and they are hereby appointed, commissioners of roads, in addition to those already appointed and acting as such in and for Clarendon county, in the district of Sumter.

Number of
comm'rs, for
Darlington and
Sumter.

XXIII. *And be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the commissioners of the roads in that part of Orange county now forming part of Barnwell district, shall not be liable or compelled to meet at the board of commissioners of Orange district, but that they shall meet and attend at the board of commissioners held in Barnwell district, and be deemed members of the board of commissioners of roads in the lastmentioned district; any law, usage or custom to the contrary notwithstanding.

Comm'rs. for
Barnwell and
Orange.

XXIV. *And be it enacted* by the authority aforesaid, That a ferry be established across Big Peedee river, at the plantation of Timothy Britton; and that the same be vested in the said Timothy Britton, and his heirs, for the term of seven years. And that the following rates of ferriage be allowed. For every foot passenger, seven cents; for every man and horse, twelve and a half cents; for every led horse, six cents; for each head of cattle, hogs, sheep or goats, six cents; for every carriage with two wheels, thirty-seven cents; for every carriage with four wheels, with the drivers and horses, one hundred cents.

Ferry over Big
Peedee, vested
in T. Britton.

XXV. *Whereas*, William Simmons, E. Coffin, William Cattell, and a number of others, have petitioned the Legislature that a road may be opened and established, from the landing on the south side of Ashley river, opposite to the south end of Grove street, which is on the north side of said river, in a direct course to Rantole's causeway, and that a survey be made thereof. *Be it therefore enacted* by the authority aforesaid, That the commissioners of the roads of Saint Andrew's parish, at the expense of the said petitioners, do cause the requisite survey to be made. And that they are hereby directed to report to the next Legislature, what damage or injury may be sustained by persons through whose lands or plantations the said road may pass.

Comm'rs. for
St. Andrew's,
to make a sur-
vey.

XXVI. *And be it enacted* by the authority aforesaid, That the ferry across Edisto river, called Parker's Ferry, be, and the same is hereby established, and vested in Matthew McHugh, and his heirs and assigns, for the term of ten years; and that he be allowed to take and receive the usual rates of ferriage heretofore taken at said ferry. And that no other ferry or tollb ridge shall be established within three miles of said ferry.

Ferry over
Edisto, vested in
M. McHugh.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEO. GAILLARD, *Speaker of the House of Representatives.*

A. D. 1903.

Acts relating to Roads, Bridges and Ferries.

No. 1807. AN ACT DIRECTING THE SECRETARY OF STATE TO GIVE UP THE BOND OF THOMAS GOUGH, GIVEN FOR BUILDING AND KEEPING IN ORDER A BRIDGE OVER PON PON RIVER, AT JACKSONBOROUGH, AND TO VEST THE FERRY IN LESLIE GOUGH, FOR FOURTEEN YEARS.

WHEREAS, the late Thomas Gough, in his lifetime, entered into a bond, conditioned for the building and keeping in good repair a bridge across Pon Pon river, at Jacksonborough; which said bridge has been carried away by the frequent passing of rafts down the said river, to the great injury of the family of the said Thomas Gough, deceased.

I. *Be it therefore enacted* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Secretary of the State, or the person who may be in the possession of the same, be, and he is hereby, authorized and directed to deliver up to the representatives of the said Thomas Gough, deceased, his bond given for the purposes abovementioned; and that the ferry be, and is hereby, vested in the said Leslie Gough, for the term of fourteen years, at the usual and former rates of ferriage.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and three, and of American Independence the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1821. AN ACT TO ESTABLISH CERTAIN ROADS AND FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following rates of toll be received at Eleanor Cannon's bridge, across Edisto river, to wit:—for every foot passenger, three cents; for every man and horse, six and a quarter cents; for every hogshead of tobacco, twenty-five cents; for every head of black cattle, three cents; for every head of sheep, goats or hogs, two cents; for every carriage of two wheels, twenty-five cents; for every carriage with four wheels, with a rider or riders and horses, fifty cents.

II. *And be it further enacted* by the authority aforesaid, That a ferry shall be established across Broad river, at the plantation whereon Christopher DeGraffenreid now lives, and shall be vested in the said Christopher DeGraffenreid, and his heirs, for the term of fourteen years; and that the following rates of ferriage shall be received, to wit:—for every foot passenger, three cents; for every man and horse, six and a quarter cents; for every hogshead of tobacco, twenty-five cents; for every head of black cattle, three cents; for every head of sheep, goats or hogs, two cents; for every carriage of two wheels, twenty-five cents; for every carriage

Rates of ferriage at Cannon's bridge.

Ferry on Broad river, vested in C. DeGraffenreid.

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on four wheels, (wagons excepted,) fifty cents; and for every wagon and team, fifty cents.

III. *And be it enacted* by the authority aforesaid, That a public ferry be, and the same is hereby, established across Peedee river, at the town of Chatham, in Chesterfield district; at the same place where Bishop's ferry was heretofore established; and that the same be vested in Lewis Mitchell and Boling Dunn, their heirs and assigns, for the term of fourteen years, with all the privileges heretofore attached to the said ferry; and that the same rates of ferriage as have been heretofore received at the said ferry, shall be lawful rates of ferriage for the said term of fourteen years.

Ferry on Peedee, vested in L. Mitchell and B. Dunn.

IV. *And be it further enacted* by the authority aforesaid, That a ferry shall be established across Edisto river, at a place known by the name of Sandy Hook; and that the same be vested in Joseph Koger, and his heirs, for the term of fourteen years; and that the following rates of ferriage be received thereat, to wit:—for every foot passenger, four cents; for every man and horse, six and one quarter cents; for every hogshead of tobacco, twenty-five cents; for every head of black cattle, three cents; for every head of sheep, goats and hogs, two cents; for every carriage of two wheels, twenty-five cents; and for every carriage of four wheels, fifty cents.

Ferry on Edisto river, vested in J. Koger.

V. *And be it enacted* by the authority aforesaid, That the ferry known by the name of Wilson's ferry, on Saluda river, be established, and vested in John Wilson, the present proprietor thereof, and his heirs, for the term of fourteen years; and that the said John Wilson, and his heirs, shall be entitled to receive the following rates of ferriage thereat, to wit:—for every foot passenger, three cents; for every man and horse, six and a quarter cents; for every hogshead of tobacco, twelve and a half cents; for every head of black cattle, two cents; for every head of sheep, goats or hogs, two cents; for every carriage of two wheels, twenty-five cents; for every carriage on four wheels, (wagons excepted,) fifty cents; for every wagon and team, fifty cents.

Wilson's ferry on Saluda, vested in him.

VI. *And be it further enacted* by the authority aforesaid, That the bridge erected across Little Peedee, by Lauchrin McLawrin, be, and the same is hereby declared to be, vested in the said Lauchlin McLawrin, his heirs and assigns, for the term of fourteen years; and that the following rates of toll be received thereat, to wit:—for every foot passenger, three cents; for every man and horse, six and a quarter cents; for every hogshead of tobacco, twenty-five cents; for every head of black cattle, two cents; for every head of sheep, goats or hogs, two cents; for every carriage on two wheels, twenty-five cents; for every carriage on four wheels, (wagons excepted,) fifty cents; and for every wagon and team, fifty cents.

Bridge vested in L. M'Laurin.

VII. *And be it further enacted* by the authority aforesaid, That a road shall be laid out and kept in repair, leading from the cross roads between Greenville and Camden, to McCallum's ferry, the best and most direct way, to Darlington court house; and that Thomas Davis and William Witherspoon, Junior, be, and they are hereby appointed, commissioners to lay out and keep in repair the said road; and that all male inhabitants, within ten miles of the said road, who are between the age of sixteen and fifty, shall be compelled to work thereon.

Road to Darlington C. H.

VIII. *And be it further enacted* by the authority aforesaid, That the ferry commonly called Marr's Bluff, shall be, and the same is hereby, established and vested in Richard Howard, his heirs and assigns, for the term of fourteen years; and that the same rates of ferriage be received as are

Ferry vested in R. Howard.

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allowed to be received at Joseph Burch's ferry, (except in cases of high freshets, when it may be long ferry,) in which case the following rates of ferriage shall be received, to wit:—for every foot passenger, twenty-five cents; for every man and horse, fifty cents; for every two wheeled carriage, one hundred and fifty cents; and for every head of black cattle, sheep, goats or hogs, six and a quarter cents.

Number of
comm'rs. in
Marion district
lessened.

IX. *Whereas*, the board of commissioners of roads and bridges, (which is now established by law on the east side of Great Peedee, in the district of Marion,) is so numerous as to prevent, rather than accelerate the business of said district before the said board; for remedy of the same, *Be it enacted* by the authority aforesaid, That the number of commissioners of roads and bridges which is now established by law on the north-east side of Great Peedee, in the said district, be lessened and limited to the number of thirteen; and that Thomas Godbolt, John Fore, Andrew Paul, Joseph Greaves, William Bellune, Robert Hodges, William Bethea, Charles Mood, Jun., Thomas P. Wickum, Thomas Harley, James Crafford, John Holland, Levi Gibson, be, and they are hereby constituted and appointed, a board of commissioners on the north-east side of Great Peedee, in said district; any law, usage or custom, to the contrary in any wise notwithstanding.

Comm'rs. of
roads appoint-
ed.

X. *And be it enacted* by the authority aforesaid, That a board of commissioners of roads and bridges be, and is hereby constituted and appointed, on the west side of Great Peedee, in the district of Marion; and that their number shall be limited to seven; and that John D. Witherspoon, General Robert Ellison, Alexander Craig, Sen., John Craig and John Burch, be, and they are hereby constituted and appointed, commissioners to form the said board; any law or usage to the contrary notwithstanding.

Powers thereof,

XI. *And be it further enacted* by the authority aforesaid, That the commissioners of roads and bridges, in each of the boards aforesaid, shall be, and they are hereby vested with, all the powers, and subject to all the duties and penalties, which the former board of commissioners in the said districts were entitled or made liable to by law.

Road.

XII. *And be it enacted* by the authority aforesaid, That a road shall be, and the same is hereby, established, to lead from the old road leading from Barfield's old mills, in Marion district, to Lumerton, in North Carolina, to the ferry above established and vested in John Ford; from thence, through Horry district, the nearest and best way, to Conwayborough, in said district; and that Samuel Foxworth, Simon Gaudwin and John Hulum, be, and they are hereby appointed, commissioners to lay out, open and keep in repair the said road; and that they be empowered to call upon all the male inhabitants liable to work upon the roads, in Horry district, within four miles of the said road, to work upon and keep the same in repair.

Part of an Act
repealed.

XIII. *And be it enacted* by the authority aforesaid, That the first clause in the road Act, passed in the year eighteen hundred and one, authorizing the commissioners of the roads in the parish of St. Thomas and St. Dennis to assess a tax upon the male slaves between sixteen and fifty years of age, in the said parishes, for the purpose of putting and keeping in repair the causeway leading to the ferry of William Clement, shall be, and the same is hereby, repealed.

Ferry vested in
J. Trimmier.

XIV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and the same is hereby, established on Broad river, at the plantation of John Trimmier; and that the same shall be vested in

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the said John Trimmier, his heirs and assigns, for the term of fourteen years; and also, that the following rates of ferriage, and no more, be received at the said ferry, to wit:—for every foot passenger, four cents; for every man and horse, six and a quarter cents; for every hogshead of tobacco, twenty-five cents; for every head of neat cattle, three cents; for every head of sheep, goats and hogs, three cents; for every two wheeled carriage, with driver, twenty-five cents; for every four wheeled carriage, with horses and driver or drivers, fifty cents.

XV. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and the same is hereby, established on Saluda river, at the plantation of Robert Young; and that the same be vested in the said Robert Young, and his heirs, for the term of fourteen years; and also, that the following rates of ferriage, and no more, be allowed to be taken at the said ferry, to wit:—for every man and horse, six and a quarter cents; for every foot passenger, three cents; for every head of black cattle, two cents; for every head of sheep, goats or hogs, two cents; for every carriage on two wheels, twenty-five cents; for every carriage on four wheels, with horses and a driver or drivers, fifty cents; for every hogshead of tobacco, twelve and a half cents.

Ferry vested in
R. Young.

XVI. *And be it enacted* by the authority aforesaid, That a ferry shall be, and the same is hereby, established on Black river, at the landing or ferry commonly known by the name of North's ferry; and that the same, on the north-east side of said river, be vested in Martha Brockinton, her heirs and assigns, for the term of fourteen years; and that the said ferry, on the south side of the said river, be vested in James Cooper, his heirs and assigns, for the like term; and also, that the following rates of ferriage, and no more, be taken at the said ferry, to wit:—for every foot passenger, six and one quarter cents; for every man and horse, twelve and a half cents; for every head of black cattle, six and a quarter cents; for every head of sheep, goats and hogs, three cents; for every two wheeled carriage, with horse and driver, twenty-five cents; for every four wheeled carriage, with horses and driver or drivers, one hundred cents.

Ferry vested in
M. Brockinton
and J. Cooper;

XVII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and the same is hereby, established on Great Pee Dee river, at a place commonly called Kolb's ferry, on land now in the possession of James Pouncey; and that the same be vested in the said James Pouncey, his heirs and assigns, for the term of fourteen years; and also, that the following rates of ferriage, and no more, be taken at the said ferry, to wit:—for every head of black cattle, three cents; for every head of sheep, goats and hogs, two cents; for every foot passenger, two cents; for every man and horse, six and a quarter cents; for every carriage on two wheels, twenty-five cents; for every carriage on four wheels, with horses and driver or drivers, one hundred cents.

Ferry vested in
J. Pouncey.

XVIII. *And be it enacted* by the authority aforesaid, That a road be, and the same is hereby, established, to lead from the cross-roads that lead from Greenville to Camden, and from Chesterfield court house to McCallum's ferry, on Lynch's creek, the nearest and best way, to Darlington court house, to intersect the road that leads from Darlington court house to McCallum's ferry, at or a little below the plantation of James Stanley; and that Thomas Stanley, Samuel Norwood, Sen., Thomas Davis and William Witherington, Jun., be, and they are hereby appointed, commissioners to lay out, open and keep the said road in repair; and that they be empowered to call upon all the male inhabitants liable to work upon the

Road;

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roads, residing in the said district, within four miles of the said road, to work upon and keep the same in repair.

Canal near
Lynch's cause-
way.

XIX. *Whereas*, the commissioners of the roads, and sundry inhabitants of the parish of Prince George, Winyaw, have, by their petition, set forth that the causeway between North and South Santee rivers, commonly called Lynch's causeway, cannot in their opinion be substantially repaired, unless the commissioners of the roads for that district be vested with other and greater powers than they now possess; and praying that the said commissioners, for reasons in the said petition particularly stated, be authorized to erect a canal on the north-west side of the said causeway, from North to South Santee. And *whereas*, John Bowman, Esq., by his petition, has set forth, that the opening and cutting of the said canal will, in his opinion, materially injure his plantation. *Be it therefore enacted* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said commissioners shall, and they are hereby required to, appoint two fit and proper persons, and the said John Bowman two fit and proper persons, who shall meet, and jointly choose a fifth person, who shall, and they are hereby required to, proceed to the said causeway, and enquire and ascertain whether any, and if any, what injury the said John Bowman is likely to sustain from the opening and cutting the said canal, and shall report the same to the next meeting of the Legislature; and in the mean time, that the said commissioners be, and they are hereby, authorized to lay out the said canal, and cut away and clear all trees, logs and other obstructions in the course so laid out for the said canal.

Negroes to
work on
Lynch's cause-
way.

XX. *And be it further enacted* by the authority aforesaid, That the said commissioners be, and they are hereby, authorized to call on the negroes liable to work on the public roads in the said parish, from any distance not exceeding ten miles; and to procure and bring from the neighbouring and most convenient high lands, clay, sand and any other materials, in their opinions necessary for the repairs of the said causeway; and generally, to possess and exercise all the powers usually possessed and exercised by other commissioners of the roads in this State.

Comm'rs. to
meet twice a
year.

XXI. *And whereas*, the times appointed for the meeting of the commissioners of the roads for the parish of Prince George, Winyaw, have been found inconvenient. *Be it therefore enacted* by the authority aforesaid, That the said commissioners of the roads for the said parish, shall in future have at least two stated meetings in each year, viz.—on the first days of April and November, except the same shall fall on Sunday, and in such case their meeting shall be on the succeeding day.

Road.

XXII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and kept in repair, to lead from Darlington court house, and cross Jeffries's creek, at Solomon Morgan's; from thence to William Gee's causeway, on Middle swamp; from thence, to cross Sparrow swamp, at a new bridge, near the mouth of the Lake swamp; from thence, to cross Lynch's creek, at Dempsey Jones's bridge, on said creek; and to continue from thence to Zachariah Norwood's, there to intersect the road called the Charleston road; and that William Gee, Stephen Morris and James Chandler, be commissioners to lay out and keep in repair the said road in Darlington district; and Nathaniel Motte and Zachariah Norwood, be commissioners in Sumter district, to lay out and keep in repair the said road in Sumter district. And that the said commissioners in each of the said districts, shall call upon all male inhabitants,

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between the age of sixteen and fifty years, within four miles, to work on the said road.

XXIII. *And be it further enacted* by the authority aforesaid, That the bridge on Lynch's creek, at the plantation of Dempsie Jones, shall be, and the same is hereby declared, a public bridge; and that the same be vested in the said Dempsie Jones, and her heirs, for the term of seven years; and that the following rates of toll, and no more, be taken at the said bridge, to wit:—for every foot passenger, three cents; for every man and horse, six and a quarter cents; for every head of black cattle, one cent; for every head of sheep, goats and hogs, one cent; for every carriage on two wheels, with horse and driver, twenty cents; for every carriage on four wheels, with horses and driver or drivers, thirty-seven and a half cents.

Bridge vested
in D. Jones.

XXIV. *And be it enacted* by the authority aforesaid, That the road leading through the plantation of the late Edward Freer, on James Island, from the public landing cross road to the road leading to Dill's Bluff, and from thence to the road leading to the Meeting House near Mrs. Hymes's, shall be henceforth considered as a public road, and that it may be lawful to open the same.

Road.

XXV. *And be it enacted* by the authority aforesaid, That the tenth clause of an Act entitled "An Act to establish certain roads and ferries; and for other purposes therein mentioned," passed the twentieth day of December, eighteen hundred, so far as it is repugnant to the above clause, be, and the same is hereby, repealed.

Part of an Act
repealed.

XXVI. *And be it enacted* by the authority aforesaid, That a ferry or bridge, at the discretion of the proprietors, shall be, and the same is hereby, erected or established on Savannah river, opposite the city of Augusta, at the ferry and bridge commonly known by the name of Hampton's bridge and ferry; and that the same be vested in Walter Leigh and Edward Rowell, their heirs and assigns, for the term of fourteen years; and that the following rates of toll or ferriage, and no more, be received at the said ferry or bridge; for every foot passenger, six and a quarter cents; for every man and horse, twelve and a half cents; for every hoghead of tobacco, twenty-five cents; for every head of black cattle, six and a quarter cents; for every head of sheep, goats or hogs, four cents; for every carriage on two wheels, with horse and driver, thirty-seven and a half cents; for every loaded carriage on four wheels, with horses and driver or drivers, one hundred cents; for every unloaded wagon, fifty cents.

Ferry vested in
W. Leigh and
E. Rowell.

XXVII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any person or persons to keep any ferry or bridge within three miles of those established by this Act as aforesaid.

No ferry to be
established
within 3 miles.

XXVIII. *And be it enacted* by the authority aforesaid, That all persons who are by the laws of this State liable to work on the high roads thereof, and who shall reside within four miles of Black creek, in the district of Darlington, in the said State, shall be, and they are hereby, made liable to work on the said creek, in making and keeping the same navigable, from the mouth thereof to Pine Log bridge, under the same regulations, restrictions and penalties as persons liable to work on the high roads; and that Capt. Samuel Bacot, Samuel Brown, Eli King, Thomas Park, John Smith, William Muldrow, Jesse Dubose, Moses Sanders and Andrew Hunter, be, and they are hereby appointed, commissioners to carry into execution this clause of this Act.

Black creek to
be kept navi-
gable.

XXIX. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established over Black river, at the Episcopal Church,

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W. Avant.

on the road leading from Georgetown to Lynch's creek ; and that the same be vested in William Avant, his heirs and assigns, for the term of fourteen years ; and that the rates taken at Brockington's ferry be taken at said ferry, and no more.

Two boards of
comm'rs.

XXX. *Be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, that there shall be two boards of commissioners for the roads in the parish of Saint Peter's ; and that the division or line between the lower and upper board, shall begin at the parish line, at the lower end of Walnut Hill plantation, and run to Quinches's Hill ; from thence to the Frying Pan, on Savannah river, so as to leave James Porter's plantation within the jurisdiction of the upper board.

Ferry vested in
J. Oliver.

XXXI. *And be it further enacted* by the authority aforesaid, That the public ferry across Savannah river, now in the occupation of John Oliver, shall be, and is hereby, established and vested in the said John Oliver, his heirs and assigns, for the term of fourteen years, with the following rates of ferriage. For every wagon and team, or other four wheeled carriage with horses, seventy-five cents ; for every chair and cart with one horse, twenty-five cents ; for every man and horse, six and a quarter cents ; for each foot passenger, four cents ; for each head of black cattle, hogs, sheep or goats, ferried or swam over, two cents ; for each rolling hogshead of tobacco, with horses and driver, twenty-five cents.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*ROBERT STARK, *Speaker of the House of Representatives.*

No. 1835. AN ACT TO VEST IN JAMES H. ANCRUM, AND HIS HEIRS AND ASSIGNS, FOR A TERM OF YEARS, THE BRIDGE CALLED RANTOLE'S BRIDGE AND CAUSEWAY, TO FIX THE RATE OF TOLL THEREOF, AND FOR OTHER PURPOSES THEREIN MENTIONED ; AND FOR ESTABLISHING CERTAIN OTHER FERRIES AND BRIDGES, AND APPOINTING CERTAIN COMMISSIONERS OF THE ROADS IN THIS STATE.

Rantole's
bridge, over
Stono river.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bridge built across the north branch of Stono river, commonly called Rantole's bridge, and the causeway, in St. Andrew's parish, which is attached thereto, be, and the same are hereby, vested in James H. Ancrum, and his heirs and assigns, for the term of fourteen years, on the express stipulation and condition that the said James H. Ancrum, his heirs or assigns, shall at all times keep the said bridge and causeway in good repair, so as to be at all times passable. And that the following rates of toll be established and received :—for every wagon and team,

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or other four wheeled carriage crossing the same, thirty-one and a quarter cents; for a cart drawn, and horses, eighteen and three-fourth cents; for every rolling hogshead, horses and driver, twelve and a half cents; for every two wheeled carriage, horses and drivers or riders, eighteen and three-fourths cents; for every foot passenger, two cents; for every man and horse, six and one-fourth cents; for every head of cattle or led horses, three cents; for every head of hogs, sheep or goats, one cent.

II. *And be it enacted* by the authority aforesaid, That Thomas Farr, Sen., Christopher Fuller, and R. Mills, be, and they are hereby appointed, commissioners, who are hereby authorized and required to take bond and security from the said James H. Ancrum, in the penal sum of three thousand dollars, conditioned to keep the said bridge and causeway, from and after one year after the passing of this Act, in good repair; which bond shall be executed by the said James H. Ancrum, his heirs or assigns, within six months from the passing of this Act, and be lodged in the office of the Secretary of State. *Provided, always, nevertheless,* that no higher or greater toll shall be exacted at said bridge, than is now allowed by law, until said bridge and causeway are fully completed and repaired.

Bond to be
given by J. H.
Ancrum.

III. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and the same is hereby, established on Kingston Lake, adjoining lot number four, in Conwayborough; and that the said ferry, on the north-west side of said lake, shall be vested in Captain Thomas Crowson, his heirs and assigns, and on the south side, in Joseph Blythe, Esquire, his heirs and assigns, for the term of ten years.

Crowson's fer-
ry, on Kingston
Lake.

IV. *And be it further enacted*, That there shall be another public ferry established across the river of Waccamaw, adjoining lot number one, in Conwayborough; and that the said ferry, on the north-west side of said river, be vested in Captain Thomas Crowson, his heirs and assigns, and on the south-east side, in Captain Thomas Mitchel, his heirs and assigns, for the term of ten years. And that the following rates of ferriage shall be taken at each of the above ferries, viz:—for short ferry—for every foot passenger, three cents; for man and horse, six and a quarter cents; every two wheeled carriage and riders, twenty-five cents; every four wheeled carriage, and rider or drivers, fifty cents; every head of cattle, horses, hogs, goats or sheep, ferried or swam, two cents. And for long ferriage, from either of the above ferries to Glass Hill, or from Glass Hill to either of the above ferries, double the amount of short ferry.

Ferry over
Waccamaw,
vested in Crow-
son & Mitchel.

V. *And be it enacted* by the authority aforesaid, That immediately after the passing of this Act, that there shall be two boards of commissioners of the high roads in the election district of Kingston; and that there shall be a division line between the upper and lower boards of commissioners, which shall begin at Council Bluff, on Waccamaw river, and continue from thence, on a direct line, to Bug Swamp bridge, leaving Mrs. Jane Ludlam's plantation in the upper division; and from thence, to the intersection of Dog Bluff and Little Peedee roads, leaving William Hux's plantation in the upper division, and Isaac Skipper's and Rawlins Hartsfield's in the lower division. And that Simon Gaudwin and Edward Cannon, be, and they are hereby appointed, commissioners, to join John Graham, James Floyd, and Samuel Garret, already appointed, in the upper division; and John Rogers, Sen., Selvanus Stout, and John Hughs, Sen., be also appointed commissioners, to join William Snow and Henry Durant, already appointed, in the lower division.

Two boards of
comm'rs. for
Kingston.

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Commissioners vested with the usual powers. VI. *And be it further enacted*, That the commissioners aforesaid shall be vested with all the powers and authority, and subject to all the fines and penalties, that other commissioners of the high roads are entitled or liable to; any law to the contrary notwithstanding.

Comm'rs. on west side Pee-dee. VII. *Whereas*, by an Act entitled "An Act to establish certain roads and ferries; and for other purposes therein mentioned," a board of commissioners of roads, bridges and ferries, was established on the west side of Great Peedee, in the district of Marion, limiting the number of commissioners for said board to seven. And *whereas*, the said number of seven was not filled up, and the names of Alexander Craig, Sen., and John Craig, were inserted as commissioners of said board, instead of Alexander Gregg, Sen., and John Gregg; for remedy of the same, *Be it enacted*, by the authority aforesaid, That Alexander Gregg, Sen., and John Gregg, be commissioners of said board. And Colonel Hugh Ervin and Obediah Hand, additional commissioners of said board; any law or custom to the contrary notwithstanding.

Ferry over Ashley river, vested in Sarah Frazer. VIII. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established over Ashley river, and vested in John Frazer, deceased, be re-established, and vested in Sarah Frazer, his widow, her heirs and assigns, for the term of seven years. *Provided*, the said Sarah Frazer do, at all times, keep in good and sufficient repair the causeway attached to the said ferry, and subject to the same emoluments, penalties and restrictions, as heretofore established by law.

Bridge over Edisto river, vested in P. Givham. IX. *And be it enacted* by the authority aforesaid, That a toll bridge shall be, and is hereby, established over Edisto river, at the place where the ferry commonly called Givham's ferry, was established, and vested in Philip Givham, his heirs and assigns, for the term of fourteen years. And that the following rates of toll be taken thereat, viz:—for every wagon and team, and four wheeled carriage, with horses and rider or riders, seventy-five cents; for every horse and chair, and all carriages of two wheels, with the rider or riders, twenty-five cents; for every man and horse, six and a quarter cents; for every hogshead of tobacco, with horse and driver, twenty-five cents; for every head of black cattle, two cents; for every head of goats, sheep or hogs, two cents; for every single man or horse, three cents. *Provided*, the said Philip Givham, his heirs or assigns, will build the said bridge of sufficient height, and of sufficient breadth, to admit the passage of boats and rafts up and down the said river.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States of America, the twenty-ninth.

JOHN WARD, *President of the Senate.*

W. C. PINCKNEY, *Speaker of the House of Representatives.*

Acts relating to Roads, Bridges and Ferries.

A. D. 1805.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; AND
FOR OTHER PURPOSES THEREIN MENTIONED. No. 1866.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a toll bridge is hereby authorized to be erected over Edisto river, near where a ferry hath been established, and vested in a certain Joseph Koger, who hath agreed to relinquish his said right in the said ferry, at the plantation whereon a certain Lewis Box now resides; and that the said toll bridge be vested in the said Lewis Box, to and for the use of Lewis Robinson, who is a minor. And that the following rates of toll be taken and received, that is to say:—for every foot passenger, four cents; for every man and horse, six and one-fourth cents; for every led horse, four cents; for every head of black cattle, three cents; for every head of hogs, sheep and goats, two cents; for every carriage on two wheels, with the rider or riders, twenty-five cents; for every carriage upon four wheels, fifty cents, including the horses and rider or riders; and for every hoghead of tobacco, twenty-five cents.

Box's bridge
over Edisto.

II. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Lynch's Creek, at a place on said creek, known by the name of Captain Andrew DuBose's landing; and that the said ferry be vested in Jonathan Newman, his heirs and assigns, for the term of seven years. And that the following rates of ferriage be received and taken thereat, that is to say:—for every wagon and team, or other four wheeled carriage, fifty cents; for every horse and chair, or single cart and horse, the sum of twenty-five cents; for every man and horse, six and one-fourth cents; for every head of black cattle, one cent; for every head of sheep, goats or hogs, one cent; for every single man and horse, three cents.

Newman's ferry,
over
Lynch's Creek.

III. *And be it enacted* by the authority aforesaid, That so much of an Act, entitled "An Act to establish certain roads and ferries; and for other purposes therein mentioned," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, which authorizes the establishment of a road, to lead from the old road leading from Barfield's old mills, in Marion district, to Lumberton, in North Carolina, to the ferry in the said Act established, and vested in John Ford; from thence through Horry district, the nearest and best way, to Conwayborough, in the said district, appointing Samuel Foxworth, Simon Gaudwin, and John Hullum, commissioners to open and keep in repair the said road, be, and the same is hereby, repealed.

Part of a former Act repealed.

IV. *And be it further enacted* by the authority aforesaid, That the old road on the east side of Great Peedee, from Kolb's ferry on said river, leading or running through what is generally known or called the Welch Creek, be discontinued; and that in lieu thereof, that a road leading from the said ferry, called Kolb's, to leave the old road at the plantation of Capt. William Dewit, the most direct and best way, out through the low grounds, to the house of Mrs. Mary Jones, on the high land; thence down the nearest and best way, to intersect the public road leading down Peedee river, on the north-east side thereof. And that John Dewit, David Mandaville, General Tristram Thomas, John Rogers, Thomas Evans, James Pouncy, and Robertson Carloss, be, and they are hereby appointed, commissioners, to lay out, open and keep the said road in repair.—*Provided, nevertheless*, that no person be called upon to open or keep in

Road from
Kolb's ferry to
the house of
Mary Jones.

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repair the said road, except those who were formerly compelled by law to work on and keeep in repair the road known by the name of the old Welsh Neck road.

Henderson's
bridge and fer-
ry, over Enoree
river.

V. *And be it enacted* by the authority aforesaid, That a ferry shall be established, and a toll bridge erected, at the plantation of John Henderson, over Enoree river, on the main road leading from Charleston through Granby; from thence to Union Court House, and vested in the said John Henderson, his heirs and assigns, for the term of seven years. And that the following rates of ferriage or toll, whether crossing the said ferry or toll bridge, be taken and received thereat, that is to say. For every foot passenger, four cents; for every man and horse, six and one-fourth cents; for every led horse, four cents; for every head of black cattle, two cents; for every head of hogs, goats or sheep, two cents; for every carriage upon two wheels, with the rider or riders, twelve and one-half cents; for every carriage upon four wheels, twenty-five cents, including the horses and rider or riders; and for every hogshead of tobacco, twelve and one-half cents.

Wood's ferry
over Broad
river.

VI. *And be it enacted* by the authority aforesaid, That a ferry across broad river, at the plantation of Josias Wood, in Union district, be, and the same is hereby, established and vested in the said Josias Wood, his heirs and assigns, for the term of seven years. And that the following rates of ferriage be taken and received, viz:—for every foot passenger, four cents; for every man and horse, six and one-fourth cents; for every led horse, four cents; for every head of black cattle, two cents; for every head of hogs, sheep or goats, two cents; for every carriage upon four wheels, including the horses and rider or riders, fifty cents; for every hogshead of tobacco, twenty-five cents.

Littleton's fer-
ry over Edisto.

VII. *And be it enacted* by the authority aforesaid, That a ferry or bridge across Enoree river, at or near the plantation of Marcus Littleton, be, and the same is hereby, established and vested in the said Marcus Littleton, his heirs and assigns, for and during the term of seven years. And that the following rates of ferriage be taken and received, to wit:—for every foot passenger, four cents; for every man and horse, six and one fourth cents; for every led horse, four cents; for every head of black cattle, two cents; for every head of hogs, sheep or goats, two cents; for every carriage upon four wheels, twenty-five cents, including the horses and rider or riders; and for every hogshead of tobacco, twelve and one half cents. And the commissioners of the roads in the said district, are hereby directed and required, to lay out and cause to be opened, a road from the plantation of John Maxedon, across said river, to the house of Major Lewis Hogg.

Vance's ferry,
over Santee.

VIII. *And be it enacted* by the authority aforesaid, That a ferry be established across Santee river, at the plantation of William Vance; and that the same be vested in the said William Vance, his heirs and assigns, for the term of fourteen years. And that the following rates of ferriage be taken and received, to wit:—for every waggon and team, or other four wheeled carriage, one dollar; for ever horse and chair, or cart and horse, fifty cents; for every rolling hogshead, twenty-five cents; for every man and horse, twelve and one-half cets; for every head of black cattle, six and one-fourth cents; for every head of sheep, goats or hogs; four cents.

IX. *And be it further enacted*, That whenever freshes in the river occasion a long ferriage, the above rates be doubled.

X. *And be it further enacted* by the authority aforesaid, That Patrick

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Calhoun, of the district of Abbeville, be, and he is hereby, authorized and empowered, to keep up two gates on the road leading through his plantation, from Abbeville Court House to Vienna. P. Calhoun to keep up two Gates.

XI. *And be it further enacted* by the authority aforesaid, That the ferry on Little Peedee river, known by the name of Gibson's ferry, be, and the same is hereby, established a public ferry or bridge; and vested in Thomas Harley, his heirs and assigns, for the term of seven years. And that no person or persons shall be permitted to build any public bridge, or establish any public ferry, within three miles of the same. And that the following rates of ferriage be established for the same, viz:—for every wagon and team, or four wheeled carriage, fifty cents; for every horse and chair, or single cart and horse, twenty-five cents; for every man and horse, six and one-fourth cents; for every head of cattle, goats, sheep or hogs, three cents; for every man and horse, three cents; and for every hogshead of tobacco, twenty-five cents. Harley's ferry over Little Peedee.

XII. *And be it further enacted* by the authority aforesaid, That a bridge across Black river, known by the name of Henry Mouzon's bridge, be, and the same is hereby, vested in Henry Mouzon, his heirs and assigns, for the term of seven years. And that the following rates of toll be taken and received at the said bridge, viz:—for every wagon and team, or other four wheeled carriage, the sum of fifty cents; for every man and horse, six and one-fourth cents; for every horse and chair, or cart and horse, thirty-seven and one-half cents; for every hogshead of tobacco, twelve and one-half cents; for every head of cattle, sheep goats or hogs, three cents; and for every led horse or foot passenger, two cents. Mouzon's ferry over Black river.

XIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the parish of Saint Luke's, be directed, and are hereby authorized, to lay out a road on the Island of Daufuskie, for the benefit of the inhabitants thereof. Road to be laid out on Daufuskie Island.

XIV. *And be it further enacted* by the authority aforesaid, That the ferry on Saluda river, known by the name of Swanzey's ferry, be, and the same is hereby, re-established; and vested in the heirs of Robert Swanzey, deceased, for and during the term of seven years. And that no person or persons shall be permitted to build any public bridge, or establish any public ferry, within the distance of three miles, either above or below the same. And that the following rates of ferriage be established at the said ferry, viz:—for every wagon and team, or four wheeled carriage, the sum of fifty cents; for every horse and chaise, or cart and horse, twenty-five cents; for every man and horse, six and one-fourth cents; for every man or horse, four cents; for every hogshead of tobacco, eighteen and three-fourths cents; and for every head of cattle, sheep, goats or hogs, two cents. Swanzey's ferry over Saluda.

XV. *And be it further enacted* by the authority aforesaid, That a ferry across Broad river, known by the name of Francis Summer's ferry, be, and the same is hereby, vested in John Adam Houseal, his heirs and assigns, for the term of seven years. And that the following rates of ferriage be taken and received at the said ferry, viz:—for every wagon and team, or four wheeled carriage, the sum of fifty cents; for every horse and chaise, or cart and horse, twenty-five cents; for every man and horse, twelve and one-half cents; for every man or horse, six and one-fourth cents; for every hogshead of tobacco, twenty-five cents; and for every head of cattle, sheep, goats or hogs, four cents. Houseal's ferry on Broad river.

XVI. *And be it enacted* by the authority aforesaid, That the board of

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bridge to be
leased.

commissioners of the roads in Saint Paul's parish, are hereby authorized to grant a lease of the bridge commonly called Wallace's bridge, with or without the causeway adjoining thereto, for a term not exceeding fourteen years; and such rates of toll as they shall think proper, to commence at the expiration of the lease now held by John Brailsford.

Road discon-
tinued.

XVII. *And be it further enacted* by the authority aforesaid, That the road formerly established by law, leading from Winstonsborough to Ammon's ferry, be, and the same is hereby, discontinued.

Who to work
on road.

XVIII. *And be it further enacted* by the authority aforesaid, That the clause of the Road Act, passed in eighteen hundred, which exempts the inhabitants of Granby and Saluda, from working on the New road laid out from Dyonisius Blackley's to Joseph Williams's, by order of the commissioners of roads for Lexington, shall be and the same is hereby, repealed. And the said New road is hereby declared to be a public road; and the inhabitants residing within three miles thereof, shall be liable to work thereon and keep the same in repair. And that the commissioners of the roads for Lexington district, shall have power to discontinue the old road which leads by the Juniper.

Ann Agnew's
ferry over
Beaufort river.

XIX. *And be it enacted* by the authority aforesaid, That the ferry on Beaufort river, known by the name of Agnew's ferry, be, and the same is hereby, established a public ferry; and vested in Ann Agnew, and her heirs and assigns, for the term of fourteen years. And that no person or persons shall be permitted to establish a ferry within one mile of the said ferry, either above or below the same. And that the following rates of ferriages shall be established for the same, viz:—for every passenger on foot, twenty-five cents; for every man and horse, fifty cents; and for every head of horses, twenty-five cents; and for every head of neat cattle, fifty cents; and for every two wheeled carriage, and horse or horses, drawing the same, seventy-five cents; for every four wheeled carriage, and horses drawing the same, one dollar; for every head of sheep, goats and hogs, ten cents.

Coosaw ferry,
in whom vest-
ed.

XX. *And be it enacted* by the authority aforesaid, That until the bridge shall be completed, a ferry shall be, and the same is hereby, established across Coosaw river to Port Republic Island, at the crossing place heretofore used, or from causeway to causeway, or from either causeway to the shore opposite thereto, as occasion may require; and that the same be vested in the President and Directors of the Port Republic Bridge Company, and their successors, or any person or persons holding under them. And that the following rates of ferriage be demanded and taken at the said ferry, to wit:—for each and every passenger, twelve and one-half cents; for each and every horse, twelve and one-half cents; for every riding chair or chaise, thirty-seven and one-half cents; for every curricule, phaeton, caravan, or coachee, seventy-five cents; for every chariot or coach, one dollar; for every loaded cart, thirty-seven and one-half cents; for every empty cart, twenty-five cents; for every loaded wagon, seventy-five cents, for each head of hogs, sheep or goats, six and one-fourth cents; for every empty wagon, fifty cents; for every head of cattle twenty-five cents. And no ferry shall be established within five miles of the same.

St. George's
parish divided,
&c.

XXI. *And be it further enacted* by the authority aforesaid, That the parish of Saint George shall be divided for the purpose of establishing two separate boards of commissioners of the roads; and that the line of division be laid off from the north side of the Cypress Swamp, where the Saint

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James parish line crosses the said swamp, so as to intersect the parish line of Saint Paul's and Saint George's parishes, near Givham's ferry.

XXII. *And be it further enacted* by the authority aforesaid, That the road in Laurens district, leading from Lewis Buckner's to Abercromby's mill, through the plantation of Mrs. Mary Cunningham, shall be changed, so that the road may pass by the house of the said Mary Cunningham, as laid out by the direction of the late county court of that district.

Road from L. Buckner's to Abercromby's mill.

XXIII. *And be it further enacted* by the authority aforesaid, That the ferry across Broad river, at the confluence of Broad and Packolett rivers, formerly vested in Thomas Woods and James Bankhead, shall be, and the same is hereby, re-established; and vested in William Smith, and his heirs and assigns, for and during the term of seven years. And that the following rates of ferriage may, and be allowed, viz:—for every person and horse, six and one-fourth cents; for every carriage on two wheels, and horse or horses drawing the same, thirty-seven cents; for every wagon, and the horses and driver or drivers, fifty cents; and for every other four wheeled carriage, with horses and driver, fifty cents; for every foot passenger, four cents; for every led horse, four cents; for every head of horned cattle, hogs and sheep, two cents; for every rolling hogshead of tobacco, and horses and driver, twenty-five cents.

Smith's ferry on Broad river.

XXIV. *And be it further enacted*, That the commissioners of the roads of Clarendon county, be, and they are hereby, directed, authorized and required, to lay out, and cause to be cleared and made passable for carriages, a new road from the east side of Santee river, from Vance's ferry, to the old road leading from the ferry, now in disuse, called Manigault's ferry, and along the said old road, to the road leading from Statesburgh to Nelson's ferry.

Road from Vance's to Nelson's ferry.

XXV. *And be it further enacted*, That the commissioners of the roads for Saint Matthew's parish, be, and they are hereby, required to lay out, and cause to be cleared, a road from the west side of Vances ferry, the nearest and most convenient way, to the road leading from Granby to Eutaw Springs. And that the said roads on both sides of Vance's ferry, shall be deemed highways, and be required to be worked upon by the inhabitants contiguous thereto, in the same manner as other public highways are to be worked on by the provisions of the several Acts of Assembly in such case made and provided.

Road from Vance's ferry to the road leading from Granby to Eutaw Springs.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

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No. 1885. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Bridge vested
in R. Lowry.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bridge which has been erected across Black river, at a place called Benbow's ferry, be, and is hereby, established a toll bridge; and the right thereof is hereby vested in Robert Lowry, his heirs and assigns, for the term of seven years; and that the following rates of toll be taken and received thereat, that is to say:—for every wagon and team, or other four wheeled carriage, fifty cents; for a man and horse, six and one fourth cents; for every chair or cart and horse, twenty-five cents; for every rolling hogshead of tobacco and horse, twelve and a half cents; for each head of cattle, hogs, sheep or goats, three cents; and for each led horse or foot passenger, two cents.

M'Callum's
ferry re-estab-
lished.

II. *And be it further enacted* by the authority aforesaid, That the ferry across Lynch's creek, commonly called McCallum's ferry, be, and the same is hereby re-established, and vested in Malcom McCallum, his heirs and assigns, for the term of seven years; and that he take and receive the same rates of ferriage as the former proprietor was allowed to receive by law.

Tiller's ferry
re-established.

III. *And be it further enacted* by the authority aforesaid, That the ferry across Lynch's creek, commonly called Tiller's ferry, be, and the same is hereby re-established, and vested in James Tiller, his heirs and assigns, for the term of seven years; and that he be authorized to receive the same rates of ferriage as heretofore.

Ferry vested in
E. Boatner.

IV. *And be it further enacted* by the authority aforesaid, That a ferry shall be established across Saluda, at a place called Boatner's Landing, on Saluda river. That the same be vested in Elias Boatner, his heirs and assigns, for the term of seven years; and that the same rates of ferriage be received and taken as are allowed by law to be received and taken by the proprietor or proprietors of Lee's ferry, on Saluda river.

Ferry vested in
A. Williams.

V. *And be it further enacted* by the authority aforesaid, That a ferry across Broad river, at a place called Red Hill, be, and the same is hereby, established and vested in Augustin Williams, his heirs and assigns, for the term of seven years; and that the following rates of ferriage be taken and received, viz.—for every foot passenger, six and a quarter cents; for every man and horse, twelve and a half cents; for every led horse, six and a quarter cents; for every head of black cattle, two cents; for every head of sheep, hogs or goats, two cents; for every carriage on four wheels, including the rider or riders, seventy-five cents; for every carriage on two wheels, fifty cents; for every hogshead of tobacco, twenty-five cents.

Ferry vested in
J. Howell.

VI. *And be it further enacted* by the authority aforesaid, That the ferry in which was established by Act of Assembly, across Broad river, eight miles above Pinckneyville, and vested in John Bankhead, be, and the same is hereby, re-established and vested in Joseph Howell, his heirs and assigns, for the term of seven years; and that the same rates of ferriage be taken and allowed, as were allowed by the Act of Assembly, passed in the year of our Lord one thousand seven hundred and ninety-one, establishing the said ferry.

VII. *And be it further enacted* by the authority aforesaid, That a ferry shall be established across Savannah river, at or near the plantation of

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John J. Gray ; and that the same be vested in the said John J. Gray, his heirs and assigns, for the term of fourteen years ; and shall receive the same rates of ferriage or toll as are now received at Miller's ferry, at Stoney Cliff, on said river. *Provided*, that the said John J. Gray, his heirs or assigns, shall and do open and keep in good repair, at his own expense, the road leading from the said ferry, through the swamp to the high land.

Ferry vested in J. J. Gray.

Road to be laid out.

VIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Winyaw and Williamsburgh, be, and they are hereby required, to lay out and cause to be cleared, a road from where the road leading from Williamsburgh court house to Potatoe ferry crosses the parish line, the nearest and best way, to William Rowel's plantation ; and from thence, the nearest and best way, to Gap-way road. That a ferry be, and the same is hereby, established across Black river, where the road hereby directed to be laid out shall cross Black river ; that the same be vested in the said William Rowel, for the term of fourteen years ; and that the same rates of ferriage be taken and received as are at present taken and received at Potatoe ferry, on said river ; and that Samuel Commander and William Rowel, be, and they are hereby appointed, commissioners to lay out and open the same ; and that all hands residing within five miles of said road be made liable to open the said road.

Ferry vested in W. Rowel.

IX. *And be it further enacted* by the authority aforesaid, That the inhabitants of James Island, part of Saint Andrew's parish, who shall not hereafter make use of the Newtown Cut, be, and they are hereby, exempted from working on said Cut ; and that Hugh Wilson and John L. Poyas, be appointed commissioners to superintend the working on the said Cut, in addition to those already appointed by law.

Who exempt from working on Newtown Cut.

X. *And be it enacted* by the authority aforesaid, That a ferry be, and the same is hereby, established across from Fording Island to Jenkins's Island, joining Hilton Head Island ; and that the same be vested in William Robinson, his heirs and assigns, for the term of seven years ; and that the following rates of ferriage be taken and received, viz.—for a man and horse, fifty cents ; for a four wheeled carriage, one dollar ; two wheeled carriage, fifty cents ; hogs, per head, twelve and a half cents ; sheep and goats, twelve and a half cents ; cattle, per head, twenty-five cents.

Ferry vested in W. Robinson.

XI. *And be it further enacted* by the authority aforesaid, That the ferry across Cooper river, known by the name of Clement's ferry, be, and the same is hereby, re-established and vested in the representatives of John Clement, and their assigns, for seven years ; and that the same rates of ferriage be received and taken as have been heretofore allowed by law for passing the said ferry.

Clement's ferry re-established, and vested in him.

XII. *And be it further enacted* by the authority aforesaid, That a bridge across Lynch's creek, at or near Benjamin Skinner's landing, be erected. That a road be laid out and cleared from the said bridge, when erected, the nearest and best way, until it intersects the road leading from Darlington court house to McCallum's ferry ; and from the said bridge to be erected at Skinner's landing, the nearest and best way, until it intersects the Camden road, at Peoples's mill ; and that the commissioners of the roads on each side of Lynch's creek, be, and are hereby appointed, commissioners to lay out the said road and superintend the building the said bridge.

Bridge across Lynch's creek.

XIII. *And be it further enacted* by the authority aforesaid, That the Slann's bridge in the parish of St. George Dorchester, known by the name of Slann's bridge, be, and the same is hereby, re-established and vested in J. Chandless.

re-established and vested in J. Chandless.

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John Chandless, his heirs and assigns, for the term of seven years; and that the same rates of toll be taken and received as have been heretofore allowed by law for crossing the said bridge.

Ferry established across Waccamaw and Peedee rivers.

XIV. *And be it further enacted* by the authority aforesaid, That Joseph Alston, Benjamin Alston, Jun., W. W. Trapier, John Keith and Benjamin Huger, Esquires, or a majority of them, be, and they are hereby appointed, commissioners to examine and establish a ferry across Waccamaw and Peedee rivers, at the place which, in their estimation, may be most eligible for establishing the said ferry.

Ferry vested in the heirs of J. Pyatt.

XV. *And be it further enacted* by the authority aforesaid, That immediately after the passing of this Act, a public ferry shall be, and is hereby, established across Georgetown river, or Sampit creek, at and from the plantation of the estate of John Pyatt, and on the South side of the said river to the land of the said estate on the north side thereof; and that the said ferry be vested in the heirs of the said John Pyatt, for the term of fourteen years.

Roads to said ferry.

XVI. *And be it further enacted* by the authority aforesaid, That the heirs of the said John Pyatt, and their heirs, executors, administrators and assigns, shall always, during the said term of fourteen years, keep and maintain a sufficient number of boats or flats, and attendants, for transporting at all times, all passengers, their servants, carriages, horses, hogs, heads, cattle, sheep, goats and hogs. And also, that a public road be immediately laid out and repaired from Georgetown to the north side of the said ferry; and from the main road leading from Charleston to the south side thereof; and that Paul Trapier, Robert F. Withers and Francis Withers, be appointed commissioners for laying out and completing the said roads; all which roads, when completed, shall be under the future direction of the commissioners of the roads for the parishes in which the said roads are situated; and all the male inhabitants and slaves, from the age of sixteen to fifty years, living within three miles of the said roads and ferry, shall be, and are hereby declared to be, obliged to work on the said roads.

Ferry vested in W. K. Gowen.

XVII. *Be it enacted* by the authority aforesaid, That the ferry heretofore established over Combahee river, and formerly vested in Mrs. Gowen, be re-established, and vested in William Keating Gowen, his heirs and assigns, for seven years; and that the following rates of ferriage be, and are hereby established, viz:—for every man and horse, eleven cents; for every foot passenger or led horse, six and a quarter cents; for every four wheeled carriage, forty-three cents; for every chair and horse, twenty-one and a half cents; for every loaded horse cart, forty-three cents; for every empty horse cart, twenty-one and a half cents; for every ox cart or wagon, loaded, sixty-two and a quarter cents; for every empty wagon, forty-three cents; for every head of cattle, sheep or hogs, six and a quarter cents.

Road to be laid out.

XVIII. *And be it further enacted* by the authority aforesaid, That a public road be laid out and kept in repair, leading from Statesburgh to a place called General Sumter's landing, on the Wateree river, and the same is hereby, declared a public landing; and the commissioners of the public roads through that part of the State which the said road is to pass, are hereby authorized to lay out the same, and superintend the working on the said road; and that the road heretofore laid out, and the said landing, shall be kept open for the use of the public until the provisions of the above clause shall be carried into effect.

XIX. *Whereas*, Lewis Lestargett incurred considerable expense in

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opening the road leading from Orangeburgh to Cambridge, which had been much obstructed by the storm of April, one thousand eight hundred and four. *Be it therefore enacted* by the authority aforesaid, That the commissioners of roads, bridges and ferries, in and for the districts of Lexington and Orangeburgh, do pay, by equal proportions, the sum of sixty dollars, as and for an indemnity for his expenses incurred in opening the said road.

L. Lesterjetter
indemnified.

XX. *Be it further enacted* by the authority aforesaid, That a toll bridge and causeway shall be established across Little Peedee, at the place known by the name of Moodie's ferry, and vested in Dugal Carmichael, Junior, and Duncan Carmichael, Senior, for the term of seven years; and to have the same rates of toll as is taken at Harley's bridge, on the said river.

Toll bridge on
Little Peedee.

XXI. And *whereas*, by an Act entitled "An Act to establish certain roads, bridges and ferries; and for other purposes therein mentioned," passed the nineteenth day of December, one thousand eight hundred and five, it is enacted that the road formerly established by law, leading from Winnsborough to Ammon's ferry, be discontinued; the stopping of which road is found to be attended with public inconvenience. *Be it therefore enacted* by the authority aforesaid, That so much of the said Act as relates to the total discontinuance of the said road from Winnsborough to Ammon's ferry, be, and the same is hereby, repealed; and that the said road be opened and continued open from Winnsborough, until it intersects the line of the lands of the estate of Bartlee Smyth, deceased, near Broad river.

Road from
Winnsborough
to Ammon's
ferry.

XXII. And *be it enacted* by the authority aforesaid, That the bridge across Saltcatcher river, commonly called Patterson's bridge, shall, on and immediately after the expiration of the time for which the said bridge was vested in the above named Patterson, become a free bridge; and that all the inhabitants now liable to work on the roads, within the distance of ten miles of the said bridge, in Saint Bartholomew's and Prince William's parishes, shall respectively, work on and keep in repair the said bridge, and be conducted and superintended by the commissioners of said roads, respectively.

Patterson's
bridge to be
free.

XXIII. And *be it enacted* by the authority aforesaid, That a public ferry shall be established over the Congaree river, at Thomas Howel's plantation, opposite William Fitzpatrick's plantation, called Bell Hall; and shall be vested in the said Thomas Howel and said William Fitzpatrick, for the term of seven years; and that the rates of ferriage shall be the same as at the Columbia ferry; and the commissioners of the roads in Richland district, are hereby authorized and required to, cause to be laid out and opened a road, the most convenient and best way, from the Columbia road at Hicks's Bluff, to the said ferry; and the commissioners of the roads in Lexington district, are hereby authorized and required to, cause to be laid out and opened, a road from the said ferry to the road which leads from Granby (by Orangeburgh) to Charleston.

Ferry over.
Congaree at
Bell Hall.

XXIV. *Whereas*, sundry proprietors of the lands situated on Cattle creek, and other proprietors of lands in the vicinity of the same, have petitioned for an Act to be passed to authorize them to clear out, make navigable and to keep open the said Cattle creek. *Be it therefore enacted* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the proprietors of lands situated on Cattle creek, from Joel Spell's mills to Walter's ford, or any, or either of them, at his, her or their proper labour or expense, shall have full power and authority, to clear out, make navigable

Cattle creek to
be made navigable.

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and keep open the creek called Cattle creek, from Joel Spell's mills as high as Walter's ford.

Penalty for obstructing passage of said creek.

XXV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall stop up, or in any manner obstruct the passage of said creek after the same shall be made navigable, as aforesaid, he, she or they so offending, on conviction thereof, shall forfeit and pay, a sum not exceeding twelve dollars, to be sued for and recovered, before any justice of the peace, for each and every such offence; the one half to be paid to such person or persons as may inform, the other half to be paid to the proprietors of the land aforesaid, to be applied to the purpose of keeping the said creek open; which said proprietors, under the name of commissioners whom they may appoint to superintend the navigation of the said creek, are hereby authorized to sue for and recover the same.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and six, and in the thirty-first year of the Independence of the United States of America.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1896. AN ACT TO AUTHORIZE THE DIFFERENT BOARDS OF COMMISSIONERS OF ROADS THROUGHOUT THIS STATE TO HAVE THE FINES AND OTHER MONIES DUE, OR WHICH MAY HEREAFTER BE DUE TO THE SAID BOARDS OF COMMISSIONERS (AND HERETOFORE COLLECTED BY CONSTABLES,) COLLECTED BY SHERIFFS.

I. *Be it enacted*, by the Honourable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That it shall and may be lawful, from and immediately after the passing of this Act, for each and every of the boards of commissioners of roads in this State, to direct their summonses, warrants or other processes, (which they were heretofore required by law to direct to constables, for the purpose of collecting fines or other monies due to the said boards,) to all and singular the sheriffs of this State, who shall be, and are hereby authorized and required to, proceed to serve or execute the said summonses, warrants or other processes to them directed as aforesaid, in the same time, under the same restrictions, and in the same manner as lawful constables were heretofore directed and bound by law to do in such cases.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

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AN ACT FOR THE ESTABLISHMENT OF ROADS, BRIDGES AND FERRIES; No. 1907.
AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a ferry shall be, and is hereby, established on Saluda river, at the plantation of Thomas Chappel; and that the same be vested in the said Thomas Chappel, his heirs and assigns, for the term of seven years; and that the rates of ferriage to be taken and received shall be as heretofore. Chappel's ferry established.

II. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Saluda river, at the plantation of John Clark, and the same be vested in the said John Clark, his heirs and assigns, for the term of seven years; and that the rates of ferriage to be taken and received thereat, be the same as are received at the nearest ferry thereto. Clark's ferry established.

III. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on the Wateree river, at General Sumter's plantation, at the mouth of Raften creek; and the same be vested in the proprietors of the land on each side of said river, for the term of seven years; and that the rates of ferriage taken and received thereat, be the same as are now taken and received at Brisbane's ferry. Ferry established over Wateree river.

IV. *And be it enacted* by the authority aforesaid, That the road laid out and opened in Richland district, leading from James's ferry, on the Wateree river, to the town of Columbia, be, and the same is hereby declared to be, a public road; and that all male slaves and male inhabitants, within six miles of the said road, who now by law are liable to work on roads within this State, shall be liable to work on said road twelve days in every year; and that the commissioners of the roads for Richland district, are hereby required to keep the said road open and in repair. Road.

V. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Broad river, at the plantation late the property of William Lyles, deceased; and that the same be vested in James Ashford, his heirs and assigns, for the term of seven years; and that the same rates of ferriage be taken and received thereat, as have been heretofore received at Strother's ferry. Ferry over Broad river, vested in J. Ashford.

VI. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Savannah river, at Matthew's Lower Bluff; and that the same be vested in Josiah Daniel, his heirs and assigns, for the term of seven years; and that the same rates of ferriage be taken and received thereat, as are now received at Stoney Bluff. Ferry on Savannah river, vested in J. Daniel.

VII. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Saluda river, in Edgefield district, at a place commonly known and called Cook's ferry; and that the same be vested in Westly Brooks, his heirs and assigns, for the term of seven years; and that the same rates of ferriage be taken and received thereat, as hereinbefore established at Chappel's ferry. Ferry on Saluda river, vested in W. Brooks.

VIII. *And be it enacted* by the authority aforesaid, That the ferry on Saluda, heretofore vested in William Calk, shall be, and is hereby, re-established, and again vested in the said William Calk, and his heirs and assigns, for the term of seven years; and that he be allowed to take the rates of ferriage heretofore allowed to be taken at the same. W. Calk's ferry re-established.

IX. *Whereas*, by an Act passed on the twentieth day of December last, Paul Trapier, Robert F. Withers and Francis Withers, were appointed

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*Acts relating to Roads, Bridges and Ferries.*Pyatt's ferry to
be established.

commissioners for laying out and establishing a ferry across Georgetown river, or Sampit creek, from the plantation of the estate of John Pyatt, on the south side of the said river, to the land of the said estate on the north side thereof. And *whereas*, the said commissioners have represented that the place above mentioned was not the most proper for the establishment of the said ferry. *Be it enacted* by the authority aforesaid, That Savage Smith and Samuel Wragg, together with the said Paul Trapier, Robert F. Withers and Francis Withers, be, and they are hereby appointed, commissioners for the purpose of accurately determining the most proper site in the vicinity of the place just mentioned, for the establishment of a ferry across the said river; and they are hereby, authorized to establish such ferry, and shall have such powers as are by the aforesaid Act given to the commissioners first appointed.

And to be vest-
ed in proprie-
tors of lands
whereon estab-
lished.

X. *And be it further enacted* by the authority aforesaid, That the said ferry shall be vested in the owner or owners of the lands on which said ferry shall be established, subject to all the regulations contained in the aforesaid Act; and that so much of the aforesaid Act as established a ferry on the land of the estate of said John Pyatt, be, and the same is hereby, repealed.

Indian Field
swamp to be
made naviga-
ble.

XI. *And be it further enacted* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the proprietors of the land situate on Indian Field swamp, from its confluence of said swamp with Edisto river, up to Buckingham's ford, on said swamp, or any or either of them, at his, her or their own proper labor or expense, shall have full power and authority to clear out, make navigable and keep open the creek of said swamp, called Indian Field swamp, from Edisto river to Buckingham's ford, on said swamp.

Powers of
Comm'rs.

XII. *And whereas*, the board of commissioners for opening the navigation of Black river, have by law no power vested in them to compel the commissioners individually to do their respective duty. *Be it therefore enacted* by the authority aforesaid, That the board of commissioners aforesaid, shall have all the powers, and be subject to all the fines and penalties which by law the commissioners of the high roads have and are liable to.

Rates of fer-
riage.

XIII. *And be it enacted* by the authority aforesaid, That the present rates of ferriage established at Vance's ferry, and no other, be hereafter taken and demanded at Nelson's ferry; any law, usage or custom to the contrary notwithstanding.

Road.

XIV. *And be it enacted* by the authority aforesaid, That a public road shall be laid out from the plantation of Redman Johnson, on the lower line of Edgefield, to lead down on the north side of North Edisto, to intersect with the Orangeburgh road at Nettles's tavern, near Bull swamp; and that John P. Bond, Esq., Joel Dawson, John Rankins, George Stedham and Joshua Nettles, be, and the same are hereby appointed, commissioners to cause the same to be laid out and opened.

Repealing
clause.

XV. *And be it enacted* by the authority aforesaid, That so much of the eleventh clause of an Act entitled "An Act to establish certain roads, bridges and ferries; and for other purposes therein mentioned," passed the twentieth day of December, in the year one thousand eight hundred and six, vesting a ferry in William Robinson, as establishes the rates of ferriage for a man and horse, be, and the same is hereby, repealed; and that in future, the sum of fifty cents for each man and horse be received and taken by the owner of the said ferry.

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XVI. *And be it enacted* by the authority aforesaid, That a ferry shall be re-established on Little Peedee river, known by the name of Potatoe ferry, ^{Potatoe ferry established.} and be vested in Richard Woodberry, Sen., and his heirs or assigns, for the term of seven years; and the following rates of ferriage be received:—Short ferry—for man and horse, six and a quarter cents; every four wheeled carriage and driver, fifty cents: every two wheeled carriage and driver, twenty-five cents; every foot passenger, three cents; every head of horses, cattle, hogs or sheep, ferried or swam, one cent—from the river bank to little hill, double the amount of the above ferriage—from little hill to the high land on the west side of [the] river, being long ferry, four times the amount of short ferry.

XVII. *And be it further enacted* by the authority aforesaid, That a public ferry be, and is hereby, established over Broad river, at a place ^{Strother's ferry established.} known by the name of Strother's ferry; and that the same be vested in Joseph McMorris, guardian for Nancy Rachael Strother, for the term of seven years; and that the same rates of ferriage be allowed as have heretofore been established by law at said ferry.

XVIII. *And be it further enacted* by the authority aforesaid, That the ferry over Saluda river, known by the name of Higgins's ferry, be, and ^{Higgins's ferry re established.} the same is hereby, re-established, and vested in Francis Higgins, his heirs and assigns, for the term of seven years, on the same rates, and under the same regulations as have heretofore been established by law.

XIX. *And be it further enacted* by the authority aforesaid, That the ferry over Saluda river, known by the name of Waters's ferry, be, and the ^{Waters's ferry re-established.} same is hereby, re-established, and vested in Philemon Waters, his heirs and assigns, for the term of seven years, on the same rates, and under the same regulations as have heretofore been established by law.

XX. *Be it enacted* by the authority aforesaid, That a ferry be established at the plantation of John B. Earl, over Keeowee river, and be vested ^{Ferry on Keeowee, vested in J. B. Earle.} in him and his heirs, for the term of seven years; and that the same rates of ferriage be taken as at the ferry of Andrew Pickens.

XXI. *Be it enacted* by the authority aforesaid, That a ferry be established at the plantation of Joseph Taylor, over Keeowee river; and that ^{Ferry vested in J. Taylor.} the same be vested in the said Joseph Taylor, and his heirs, for the term of seven years; and that the same rates of ferriage be taken as at the ferry of Andrew Pickens.

XXII. *And be it enacted*, That all keepers of ferries and toll bridges, be ^{Keeper of ferries and bridges to put up rates.} required to put up, at some conspicuous place at said ferry or bridge, the rates of said ferry or bridge.

XXIII. *And be it enacted* by the authority aforesaid, That a toll bridge shall be established across Ashepoo river, opposite the town of Edmonds- ^{Bridge across Ashepoo, vested in W. Skirving and P. S. Smith.} berry, in St. Bartholomew's parish, at the same place where the bridge commonly called Ashepoo bridge was formerly erected; and that the same shall be, and is hereby, vested in William Skirving and Philip S. Smith, and their heirs and assigns, for the term of fourteen years. *Provided*, that the said William Skirving and Philip S. Smith, their heirs or assigns, do cause the said bridge to be erected and completed within the space of two years from the passing of this Act, and construct the same in the manner of a draw bridge, so as to permit such boats as usually navigate Ashepoo river, to pass the same with their masts up, and without any kind of hindrance or impediment from the said bridge; and that until the said bridge shall be erected, the said William Skirving and Phillip S. Smith, their heirs or assigns, shall and may keep a ferry across the said river, at

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the place where the said bridge is directed to be established ; at which ferry, during its continuance as such, and at the said toll bridge after its erection, the following rates of ferriage or toll shall be taken ; for every wagon and team, or other four wheeled carriage crossing the same, thirty-one and one fourth cents ; for a cart, driver and horse, eighteen and three quarter cents ; for every rolling hogshead, horses and drivers, twelve and one half cents ; for every two wheeled carriage, horses and rider or riders, eighteen and three quarter cents ; for every foot passenger, two cents ; for every head of cattle, or led horse, three cents ; for every man and horse, six and one quarter cents ; for every head of hogs, sheep or goats, one cent. *Provided*, that if the said William Skirving and Phillip S. Smith, their heirs and assigns, shall fail to erect, or cause to be erected the toll bridge before mentioned, in the manner hereinbefore described, within the time hereinbefore limited, or shall fail to keep and maintain the same in good repair, or fail to make their intentions known to the representatives of the parish aforesaid, within one month after the passing of this Act, that then the grant of the said toll bridge to the said William Skirving and Phillip S. Smith, and their heirs and assigns, shall be utterly void. And the commissioners of the roads of the parish of St. Bartholomew's, shall in such case be, and they are hereby, authorized to contract for, with any person or persons willing to undertake the same, and cause to be erected, a toll bridge across the said river at the place aforesaid, on the construction before described. *Provided*, that nothing herein contained shall be construed to exonerate the aforesaid William Skirving and Philip S. Smith, from any penalty which may have been incurred by them relative to the former bridge over the said river.

Ferry vested in
F. Higgins.

XXIV. *And be it enacted* by the authority aforesaid, That the ferry on Saluda river, known by the name of Higgins's ferry, be, and the same is hereby, vested in Francis Higgins, and his heirs and assigns, for the term of seven years, with the same rates and tolls as heretofore established by law.

Ferry on Keowee,
vested in
A. Pickens.

XXV. *And be it enacted* by the authority aforesaid, That a ferry be, and the same is hereby, established across Keowee river, at the plantation of Andrew Pickens, jr. ; and that the same be vested in the said Andrew Pickens, jr., his heirs and assigns, for the term of seven years. And the said Andrew Pickens, jr., his heirs or assigns, may be permitted to keep such gates or bars through the said plantation, as may be necessary for a communication with the said ferry ; and the following rates of ferriage be taken and received, to wit :—for every foot passenger, three cents ; for every man and horse, six and one-quarter cents ; for every led horse, and every head of black cattle, three cents ; for every head of hogs, sheep or goats, one cent ; for every wagon and team, fifty cents ; for every rolling hogshead or loaded cart, twenty-five cents ; for every empty cart or carriage, with two wheels, twelve and a half cents ; and for every riding carriage with four wheels, twenty-five cents ; and that the roads leading to the said ferry, be opened and kept in repair as public roads.

Private ferries
to pass ex-
empto gratis.

XXVI. *And be it further enacted*, That the keepers of all private ferries, usually putting over passengers for hire, shall be obliged to pass over, free of charge or expense, all such persons as are by law exempted from the payment of ferriage at ferries established and allowed by Act of the Legislature.

XXVII. *And be it further enacted* by the authority aforesaid, That a ferry be, and the same is hereby, established across Tiger river, at a place known by the name of Hamilton's ford, and vested in Jeremiah Hamilton,

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his heirs and assigns, for the term of seven years. And that the following rates of ferriage be taken and received, viz:—for every foot passenger, ^{Hamilton's} four cents; for every man and horse, six and one-fourth cents; for every ^{ferry, on Tiger} led horse, four cents; every head of hogs, goats or sheep, two cents; for every carriage upon two wheels, with the horses and rider or riders, twelve and one-half cents; for every carriage upon four wheels, twenty-five cents, including the horses and rider or riders; and for every hogshead of tobacco, twelve and one-half cents.

XXVIII. *And be it enacted* by the authority aforesaid, That David R. Williams, Eli King, Timothy Dargan, James Stanley, Philip Pitman and Joseph Seavails, be, and they are hereby nominated and appointed, ^{Commissioners} commis- ^{appointed for} sioners of the high roads and bridges, in and for the district of Darlington, in addition to the present number of commissioners for said district, who shall be, and they are hereby, invested with the same powers, and subject to the same duties and penalties, that the commissioners of high roads and bridges in this State are or may by law be vested with or subject to; any law, usage or custom to the contrary thereof notwithstanding.

XXIX. *And be it further enacted* by the authority aforesaid, That a ferry shall be established across Savannah river, below the Two Sisters's ^{Dupuy's ferry} ferry, at the place of James Dupuys; that the same be vested in James ^{on Savannah.} Dupuys, his heirs and assigns, for the term of fourteen years. And that the same rates of ferriage be received and taken, as was allowed by law at the Two Sisters's ferry.

XXX. *And be it further enacted* by the authority aforesaid, That immediately after the passing of this Act, a public ferry shall be, and is hereby, established across Waccamaw river, from the land on the line between ^{Ferry on Wac-} the plantation of John A. Alston, and of the estate of John Labruce, ^{camaw, and in} on the south-east side of the said river, to the land on the island opposite ^{whom vested.} thereto, of William Alston, the elder; thence across the said island, on the land of the said William Alston, the elder, to the south-east side of Peedee river, and across the said river, to the north-west side thereof, to the land of John Julius Pringle; and that the said ferries shall be vested in the proprietors of the soil on which the said ferries shall be respectively established, for the term of fourteen years. And if the said proprietors shall neglect or refuse to make the necessary preparations for the transportation of passengers, &c., across the said ferries, it shall and may be lawful for the commissioners of the roads in the parishes in which the said ferries shall be respectively established, to lease the said ferries for any term not exceeding fourteen years; and to erect on any part of the road leading to the said ferries, respectively, for the accommodation of the keepers of the said ferries, such houses as the said commissioners shall deem proper; *provided*, that the said houses do not occupy more than one quarter of an acre at each landing. And the rates of the said ferries, respectively, shall be as follows:—for every foot passenger, six and one-quarter cents; for every man and horse, eighteen and three-quarters cents; for every led horse, six and one-quarter cents; for every head of black cattle, three cents; for every head of sheep, hogs or goats, two cents; for every carriage on two wheels, with a single horse, thirty-seven and one-half cents; for every carriage on four wheels, with two horses, one dollar.

XXXI. *And be it further enacted* by the authority aforesaid, That Dr. Thomas Waring, Benjamin Alston, jr., and Benjamin Huger, be, and they are hereby appointed, commissioners for laying out and establishing a road from the main road on Waccamaw Neck, to the ferry on the south side of

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Commissioners
appointed for
Waccamaw
and Peedee
roads.

Waccamaw river, with power to call out, for the purpose of working on and completing the same, all persons liable to work on the public roads, within ten miles of the said ferry, on Waccamaw river. And that James Belin, the elder, William Windham Trapier, and Percival Vaux, be, and they are hereby appointed, commissioners for laying out and establishing a road, from the main road from Pringle's ferry, to the said ferry on the north side of Peedee river, with power to call out all persons, liable to work on the public roads, within five miles of the said ferry, for the purpose of working upon and completing the said road. And the said commissioners so appointed for the Waccamaw and Peedee roads, shall, with all the persons so by them to be summoned, unite in working on and completing the road so to be established on the island aforesaid. And the said roads so to be established, when completed, shall be under the future direction of the commissioners of the roads, in [the jurisdiction of] which [said] roads may be, respectively, situated.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1932. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across Broad river, at the plantation of Charles Crosby, where a ferry was lately kept by Rhoda Crosby; and that the same be vested in the said Charles Crosby, his heirs and assigns, for the term of seven years. And that the following rates of ferriage be taken thereat, to wit:—for every loaded wagon and team, seventy-five cents; for every empty wagon and team, fifty cents; for every cart, and horse or horses, thirty-seven and a half cents; for every man and horse, twelve and a half cents; for every led horse, six and a quarter cents; for every foot passenger, six and a fourth cents; for every head of black cattle, three cents; for every head of hogs, sheep or goats, one cent.

II. *And be it further enacted* by the authority aforesaid, That James Simmons, Charles Glover, and Christian Beltser, be, and they are hereby appointed, commissioners, to run and mark out the dividing line between Saint Andrew's parish, and the parishes of Saint Philip's, on the Neck, and Saint James Goose Creek.

III. *And be it further enacted* by the authority aforesaid, That the road in the parish of Saint James Goose Creek, commonly called the Crooked road, leading from Gaillard's road, to the plantation formerly called Livingston's old place, on the Four Hole Swamp, to the Wasmasaw ford,

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shall be, and the same is hereby declared to be, a public road. And that the commissioners of the roads in the said parish of Saint James Goose Creek, together with John Crawford, Philip Kelter, and Patrick Crawford, are hereby required to cause the said road to be opened and worked upon, and kept in repair as a public road of the said parish.

IV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across Saluda river, at Saluda Old Town; and that the same be vested in William Dunlap and William Moore, their heirs and assigns, jointly, for the term of seven years. And that the same rates of ferriage be established thereat, as have heretofore been established at Saluda Old Town; on the said river.

Dunlap and
Moore's ferry;
on Saluda.

V. *And be it further enacted* by the authority aforesaid, That a public road shall be immediately laid out, opened and kept in repair, from Brington's bridge, across Black river, in the county of Clarendon, to Cord's blue house, on Santee river. And that Samuel Pendergrass, Samuel C. Nelson, Isaac Bagnal, Theodore Gourdine, and John Conyers, Esquires, be, and they are hereby appointed, commissioners to lay out and open the same; and that they, or a majority of them; have power to call out all the male inhabitants, liable to work on roads, to open the same. And as soon as the said road shall be opened as aforesaid, the said commissioners shall certify the same to the respective boards of commissioners through whose districts the same shall pass; whereupon, the said boards of commissioners shall take upon themselves the keeping the said road in repair, in the same manner as other public roads are, from time to time, repaired. *Provided*, that part of the said road which runs through Williamsburgh district, shall be opened and kept in repair by Theodore Gourdine; at his own expense.

Brington's
bridge to
Cord's blue
house, on San-
tee.

VI. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across Saluda river, at the plantation formerly owned by Andrew Lee, now deceased; and that the same be vested in John W. Lee and Willson Lee, their heirs and assigns, for the term of fourteen years. And that the same rates of ferriage be established thereat, as have heretofore been taken and received at the said ferry.

J. W. & W.
Lee's ferry on
Saluda river.

VII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across Broad River, at a place where William Nutterville formerly had a ferry; and that the same be vested in Philip Pearson, his heirs and assigns, for the term of seven years. And that the same rates of ferriage be taken and received thereat, as where heretofore allowed by law to be taken at Strother's ferry.

Pearson's ferry
on Broad river.

VIII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, John Black shall be, and is hereby, authorized and empowered to erect a toll bridge over Big Sugar Creek; and that the same be vested in the said John Black, his heirs and assigns, for the term of seven years. And that the following rates of toll, and no other, be established at the said bridge, to wit:—for every loaded wagon and team, twenty-five cents; for every empty wagon and team, twelve and a half cents; for every other four wheeled carriage, twelve and a half cents; for every chair and horse, twelve and a half cents; for every cart and horse or horses, twelve and a half cents; for every rolling hog-head, and horse or horses, twelve and a half cents; for every led horse,

Black's bridge
on Big Sugar
Creek.

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three cents; for every man and horse, six and a quarter cents; for every head of black cattle, two cents; for every head of hogs, sheep or goats, one cent.

IX. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across Black river; and that the same be vested in Thomas Green, his heirs and assigns, for the term of seven years.

Green's ferry
on Black river.

Charleston
bridge compa-
ny incorpora-
ted.

X. *And be it further enacted* by the authority aforesaid, That the several persons who shall or may associate together as hereinafter prescribed, for the purpose of establishing a bridge over Ashley river, from such part or place in the parish of Saint Philip, to such part or place in the parish of Saint Andrew, as they shall hereafter determine on; and their successors shall be, and are hereby, incorporated as a body politic, in deed and in law, by the name of the "Charleston Bridge Company."

May have suc-
cession of offi-
cers, &c.

XI. *And be it enacted* by the authority aforesaid, That the said corporation, by their name aforesaid, shall have perpetual succession of officers and members, to be appointed according to the by-laws and regulations which they may establish for the government of the said corporation; and they may have a common seal, with power to break, alter and make new the same, as often as they shall judge expedient.

Their powers.

XII. *And be it further enacted* by the authority aforesaid, That the said corporation shall be able and capable in law, to purchase, have, hold, take, receive, possess, retain and enjoy, to itself in perpetuity, or for any term of years, any estate, real or personal, of what kind or nature soever; and to sell, alien and dispose of the same, as they may think proper. And by the name aforesaid, to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity; and to make such rules and by-laws, not repugnant or contrary to the laws of the land, as for the good order and proper government of the said corporation, may by the same be thought expedient or necessary. *Provided, nevertheless*, that the said real and personal estate shall not produce an income exceeding fifty thousand dollars per annum.

Duty of com-
missioners.

XIII. *And be it further enacted* by the authority aforesaid, That Adam Gilchrist, C. B. Cochran, Samuel Robertson, J. C. Prioleau, and George Read, or a majority of them, be, and they are hereby appointed, commissioners to receive subscriptions for the establishment of the company aforesaid; for which purpose, they shall meet at the Exchange, in Charleston, on the first Monday and the Tuesday following, of February next, and there receive the subscriptions of all such persons as shall be desirous of subscribing and associating, for the purpose of becoming members of the corporation aforesaid.

Shares, how to
be apportioned.

XIV. *And be it further enacted* by the authority aforesaid, That the capital of the said company shall be divided into one thousand shares; and if, on the days aforesaid, more than the said number of shares shall be subscribed for, then they shall be apportioned among the subscribers, in average proportion, to the number of shares by them respectively subscribed. *Provided, however*, that the subscribers, respectively, shall have at least one share allotted to them, unless there shall not be a sufficient number of shares to make such apportionment, in which case, they shall be apportioned by lot, neither acquiring more than one share.

XV. *And be it further enacted* by the authority aforesaid, That the said company shall be, and they are hereby, authorized and empowered to establish a bridge over Ashley river, from such part or place in the parish of St.

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Philip, to such part or place in the parish of Saint Andrew, in the district of Charleston, as they shall hereafter fix and determine on; which shall be vested in the said company, their successors and assigns, in perpetuity.— And they shall be authorized and empowered to exact and receive the following toll, viz :—for every foot passenger, six and a quarter cents; for a man and horse, twelve and an half cents; for a led horse, six and a quarter cents; for a wagon or other four wheeled carriage, and horses and riders, one dollar; for a chair or cart with one horse, and driver or rider, fifty cents; for every head of black cattle, hogs, sheep or goats, three cents; and for every rolling hogshead of tobacco, with the horse or horses and driver, twenty-five cents.

Bridge to be
established on
Ashley river.

XVI. *And be it enacted* by the authority aforesaid, That the said company shall be, and they are hereby, authorized and empowered, to establish a turnpike road, from the part or place in the parish of Saint Andrew, where the said bridge may be there fixed or established, in a direct line, or as nearly so as they may deem expedient, until it shall intersect the public road, at present, leading from Charleston to Rantole's bridge or ferry; which shall be vested in the said company, their successors and assigns, in perpetuity. And they shall be authorized and empowered to exact and receive a toll, which shall not exceed, in any one year, the sum of twenty per cent on the sum which they shall actually expend in cutting, running and establishing the said road.

Turnpike road
to be establish-
ed.

XVII. *And be it further enacted* by the authority aforesaid, That no bridge or ferry shall hereafter be established on the said river, Ashley ferry excepted, within seven miles of the bridge that shall be established by the said company, under and by virtue of this Act.

Other bridge or
ferry prohibi-
ted.

XVIII. *And be it further enacted* by the authority aforesaid, That until the said bridge shall be completed, the said company be, and they are hereby, authorized and empowered to establish a ferry, from the part or place in the parish of Saint Philip's, to the part or place of the parish of Saint Andrew, on which they shall fix and determine for the erection of the bridge aforesaid. And shall be authorized to receive and exact, as ferriage, the several sums or rates hereinbefore established, as the toll of the bridge aforesaid.

Ferry kept un-
til bridge is
built.

XIX. *And be it further enacted* by the authority aforesaid, That the said company shall be, and they are hereby, authorized and empowered to institute and draw one or more lotteries, at such time, and in such manner, and according to such plan as they may think fit; the neat profits whereof, shall not exceed one half of the cost or expense of the said bridge and road; and the profits thereof to apply to the use of the said company for the purposes aforesaid. *Provided, nevertheless*, that the said bridge shall be completed within seven years, and the said road, within seven years from and after the passing of this Act. *And provided also*, that the said bridge shall be at least twenty-five feet wide, and there be a draw in the said bridge in the channel of the river, in such place as the same is deepest and most easily navigable, not less than thirty-five feet wide, for the passage of vessels through the said bridge, with such anchors and buoys as shall be necessary and convenient to facilitate and secure such passage.

May institute
and draw lotte-
ries.

XX. *And be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public landing shall be, and is hereby, established on Savannah river, at a place on said river commonly known and called by the name of Gillet's Landing; as also, a road to run from thence on the lines dividing lands belonging to Sarah Overstreet and

Public landing
established on
Savannah
river.

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Samuel Maner, and to intersect the Augusta road on the line dividing the lands of said Maner and John Best; and that James Garvin, Michael Brown, John Best and Jacob Kettles, be, and they are hereby appointed, commissioners for the said purposes, subject to the same penalties, and vested with the same powers as other commissioners of roads in this State are by law subject and invested with.

No bridge or
ferry to be
within 3 miles. XXI. *And be it further enacted* by the authority aforesaid, That no person shall be permitted to build a bridge, or keep or establish a ferry within three miles of a ferry on Santee river, at the plantation of Captain William Vance.

Stanton's ferry
on Saluda
river. XXII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Saluda river, at the plantation of Christopher Stanton, and shall be, and is hereby, vested in the said Christopher Stanton, his heirs, executors, administrators and assigns, for and during the term of seven years, and be entitled to receive the same rates of ferriage as have heretofore been received at the said ferry.

Comm'rs.
where to meet. XXIII. *And whereas*, the commissioners of the roads in the parish of St. James Goose [Creek,] have hitherto held their meetings in an inconvenient part of said parish, obliging all those who may have business to transact at said board to travel an unnecessary distance; for remedy thereof, *Be it therefore enacted* by the authority aforesaid, That the said board of commissioners shall hereafter hold their meetings at Wassamsaw Meeting House.

Skirving and
Smith's ferry,
on Ashepoo
river. XXIV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Ashepoo river, at the place laid out for the town of Edmundsburgh, where the late toll bridge vested in William Skirving and Phillip Smith, Esquires, stood; and that the same be vested in Plineas Pearson, his heirs, executors, administrators and assigns, for the term of seven years, with permission to take and receive the following rates:—for every wagon and team, or other four wheeled carriage, crossing the same, thirty-one and one fourth cents; for a cart, driver and horse, eighteen and three quarter cents; for every rolling hoghead, horses and driver, twelve and a half cents; for every two wheeled carriage, horses and driver, eighteen and three quarter cents; for every foot passenger, two cents; for every head of cattle or lead horse, three cents; for every man and horse, six and one quarter cents; for every head of hogs, sheep or goats, one cent.

Cypress cause-
way vested in
executors of
Millhouse. XXV. *And be it further enacted* by the authority aforesaid, That the right of continuing the toll causeway over the Cypress, be vested in David Rumph, James P. Appleby and James Nicholson, executors of the last will and testament of Daniel Millhouse, deceased, for the term of seven years; and they shall take and receive the same rates of toll at said causeway, as are now by law permitted to be taken and received, for the sole use, benefit and behoof of the children of the said Daniel Millhouse, deceased.

Road. XXVI. *And be it enacted* by the authority aforesaid, That John Woolfolk be, and he is hereby, authorized to stop up that part of the road that leads from Edgefield court house into the Five Notch road, at or near the plantation of John Allen, which leads through the plantation of the said John Woolfolk; and in lieu thereof, that the new road from near the ford of Horne's creek, which leads by his house into the said road, near the plantation of Stephen Tilman, be kept open instead thereof.

XXVII. *And be it enacted* by the authority aforesaid, That the inhabi-

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tants of Chester District, shall be, and they are hereby, exempted from working on the road called the old Charleston road, leading from Yorkville through the district of Chester, from Thomas Wallis's to Carter's, on Rocky creek; and from thence to Walker's, on Bull Run; and from thence to Graham's, on the Fairfield line; the said road having long been discontinued and ceased to be used as a public road.

Inhabitants of Chester exempt from working on old Charleston road.

XXVIII. *And be it enacted* by the authority aforesaid, That Ezekiel Pickens, Theodore Gourdine and J. B. Richardson, shall be, and they are hereby appointed, a committee to revise the general road laws in this State, and report at the next session, if any, and what amendments of the said laws are necessary.

Road laws to be revised.

XXIX. *And be it enacted* by the authority aforesaid, That the rates of ferriage hereafter to be allowed and taken at Sturgis's ferry, on the Catawba river, shall be as follows:—for every wagon and team, seventy-five cents; for every cart, thirty-one and a quarter cents; for every man and horse, twelve and a half cents; for every led horse, six and one quarter cents; for every foot passenger, six and a quarter cents; for every head of cattle, three cents; for every head of hogs, sheep or goats, one cent per head; any law, usage or custom to the contrary notwithstanding.

Rates of ferriage.

XXX. *And be it enacted* by the authority aforesaid, That David Ramsey, Elias Ball, John Dawson, Jun., John Johnson, Jun., James Simmons, Theodore Gourdine and Keating Simmons, be, and they are hereby appointed, a committee, during the recess of the Legislature, to enquire into the practicability of establishing a turnpike road from St. Philip's parish, Charleston, to Biggin church, in St. John's Berkley county; and to report at the next session the expediency of making such turnpike road, and the probable expense of the same.

Committee to enquire into the practicability of establishing a Turnpike road.

XXXI. *And be it enacted* by the authority aforesaid, That a ferry be, and the same is hereby, established across Broad river, at the plantation of Elizabeth Bankhead; and that the said ferry be vested in John Moore, and his heirs, for the term of seven years; and the following rates of ferriage be received:—for every foot passenger, two cents; for every man and horse, six and one quarter cents; for every led horse, and every head of black cattle, two cents; for every head of sheep, hogs or goats, one cent; for every four wheel carriage and driver, fifty cents; for every two wheel carriage and driver, twenty-five cents; for every rolling hogs-head, eighteen cents.

Moore's ferry, on Broad river.

XXXII. *And be it further enacted* by the authority aforesaid, That a ferry across Little Peedee, shall be, and is hereby, re-established; and that the same be vested in Richard Gallivant, his heirs and assigns, for the term of seven years; and that the same rates of ferriage heretofore taken and received at the said ferry be established, except for the passage of man and horse, which shall hereafter be six and a quarter cents.

Gillivant's ferry on Little Peedee river.

XXXIII. *And be it further enacted* by the authority aforesaid, That a ferry across Savannah river, heretofore vested in James Shackley, be re-established, and vested in the said James Shackley, his heirs and assigns, for the term of seven years; and that the same rates of ferriage heretofore established by law, be taken and received thereat by the said James Shackley.

Shackley's ferry on Savannah river.

XXXIV. *And be it enacted* by the authority aforesaid, That a ferry shall be, and the same is hereby, established on the Wateree river, at the place where William Starke's ferry was formerly established; and that the same be vested in Thomas Starke and Austin F. Peay, their heirs and

Starke and Peay's ferry on Savannah river.

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assigns, for the term of seven years; and that the same rates of ferriage [be] taken and allowed as were formerly allowed and taken when the said ferry was vested in William Starke.

Canal to be cut.

XXXV. *Whereas*, William Laughton Smith, president of the company for the inland navigation from Santee to Cooper river, has petitioned the Legislature to authorize and empower the said company to make and open a navigable canal on the north side of Santee, to begin opposite to the inlet of the present canal, and to extend to the high lands. *Be it therefore enacted* by the authority aforesaid, That the said company be, and they are hereby, authorized and empowered to make and cut a navigable canal on the north side of Santee river, agreeably to a plan and survey made by Colonel Senf.

To belong to Santee Canal Company.

XXXVI. *And be it further enacted* by the authority aforesaid, That the said company shall have, possess and exercise, all the powers and privileges in and over the said canal, as they now have, possess and exercise, in and over the Santee Canal, for the term of fourteen years.

Comm'rs. appointed.

XXXVII. *And be it enacted* by the authority aforesaid, That the commissioners of the high roads of Barnwell district, are hereby authorized to nominate and elect fifteen commissioners for said district, in addition to the number already allowed by law.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1951. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES
THEREIN MENTIONED.

Glover's ferry on Savannah river.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across Savannah river, at the plantation of Benjamin Glover, late the property of Robert Martin; and that the same be vested in the said Benjamin Glover, for the term of fourteen years; and that the same rates of ferriage be received thereat, as were, by an Act passed the twenty-first of December, seventeen hundred and ninety-eight, allowed to be taken and received.

Bridge to be erected over Lynch's creek.

II. *And be it further enacted* by the authority aforesaid, That John M'Crea, Samuel Blackwell and Robert Nettle, Senior, in the district of Darlington; and that Captain William Graham, Needham Lee and Robert Cade, in the district of Williamsburg, be, and they are hereby appointed, joint commissioners; and that the said commissioners, or a majority of them, shall be, and they are hereby, vested with full power and authority

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to erect a bridge over Lynch's creek, at or near the place called Effingham's mills, at the joint expense of the inhabitants of Darlington and Williamsburgh districts aforesaid, in such way or manner, as in the discretion of the said commissioners, or a majority of them, may deem most advisable and proper; and that the said bridge, when completed, shall be a public bridge, for the use of the citizens of this State and the United States, free from the payment of toll; and further, that the said bridge shall be kept in repair at the joint expense of the said districts.

III. *And be it further enacted* by the authority aforesaid, That Gabriel Benson is empowered, at his own expense, to lay out a road, leading from the south fork of Saluda river to the North Carolina line, and to erect and keep in repair a turnpike thereon; to be vested in him, the said Gabriel Benson, his heirs and assigns, for the term of twenty-one years from the completion of the same. And that it shall and may be lawful for the said Gabriel Benson, his heirs and assigns, to take and receive as a toll for passing the said turnpike, the following rates of toll, and no more, that is to say:—for every four wheeled carriage and driver, fifty cents; for every loaded wagon and team and driver, seventy-five cents; for every empty wagon and team and driver, fifty cents; for every cart or two wheeled carriage, with one or two horses and driver, twenty-five cents; for every rolling hogshead of tobacco, twenty-five cents; for every man and horse, six and a quarter cents; for every head of horses or black cattle, two cents; for every head of hogs, sheep or goats, one cent.

IV. *And be it further enacted* by the authority aforesaid, That all persons who now are, or may hereafter be, exempted by law from paying ferryage or toll at any ferry or bridge in this State, are hereby exempted from paying toll at the said turnpike. Who exempt.

V. *And be it further enacted* by the authority aforesaid, That the said Gabriel Benson, his heirs and assigns, shall be liable to pay all persons whomsoever, the full amount of any injury to their person and property, by reason of the badness of the said turnpike and road so to be made and erected as aforesaid; and also, seventy-five cents for every hour any person shall be hindered or delayed in passing the said turnpike, unless such injury or prevention shall be occasioned by unavoidable accidents; to be recovered before the nearest magistrate. *Provided*, the same be sued for within two months from the time of such injury or delay. Penalty for injuring person or property.

VI. *And be it further enacted* by the authority aforesaid, That if any person shall wilfully destroy or injure the said road or turnpike, he, she or they, so destroying or injuring the same, shall pay to the said Gabriel Benson, his heirs or assigns, treble damages; to be recovered by suit at law, in any court of record in this State having jurisdiction thereof. Penalty for injuring road.

VII. *And be it further enacted* by the authority aforesaid, That Hugh Droze, Joshua Rumph, and Elisha Poozer, be, and they are hereby appointed, commissioners to run and mark out a line of division between the two boards of commissioners of high roads in Saint George's parish, who are hereby forthwith required and enjoined, to run and mark out the said line of division, beginning at the place where the Saint James line crosses the Cypress Swamp, on the north-west side of the said swamp; and from thence, to continue down the said swamp, to Captain's Creek; and continue the said line along the said creek, until it intersects Saint Paul's line, at or near Givham's ferry. Dividing line to be run.

VIII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, that that part of the old

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road discontinued.

road which leads from Edgefield Court House towards Augusta, and which lies between the said court house and where the new road intersects the same, at or near the plantation of a certain John Fox, be, and the same is hereby, discontinued.

McIlwain's
ferry on Catawba.

IX. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across the Catawba river, near the mouth of Cedar Creek, opposite Rocky Mount; and that the same be vested in Andrew McIlwain, his heirs and assigns, for the term of fourteen years. And that the following rates of ferriage be taken thereat, to wit:—for every loaded wagon and team, one dollar; for every empty wagon and team, fifty cents; for every other four wheeled carriage, fifty cents; for every rolling hogshead of tobacco, horse and driver, thirty-seven and a half cents; for every chair and horse, thirty-seven and a half cents; for every horse and cart, and driver, thirty-seven and a half cents; for every led horse, six and a quarter cents; for every man and horse, twelve and a half cents; for every head of black cattle, two cents; for every head of hogs, sheep or goats, one cent.

Murphy's
bridge over
Edisto river.

X. *And be it further enacted* by the authority aforesaid, That from and after the first day of December, one thousand eight hundred and ten, John Murphy shall be, and he is hereby, authorized and empowered to continue the toll bridge over Edisto river, late the property of Edward Cannon; and if there is no bridge at the said place in existence, then, and in that case, that the said John Murphey shall erect a toll bridge at the said place, and over the river last abovementioned; and that the same be vested in the said John Murphey, his heirs and assigns, for the term of fourteen years. And that the following rates of toll, and no more, be taken thereat. For every loaded wagon and team, fifty cent; for every empty wagon and team, thirty-seven and a half cents; for every four wheeled carriage, horses and driver, fifty cents; for every chair, horse and driver, twenty-five cents; for every cart and horse, twenty-five cents; for every rolling hogshead of tobacco, and horse or horses, twenty-five cents; for every led horse, two cents; for every man and horse, six and a quarter cents; for every head of black cattle, two cents; for every head of hogs, sheep or goats, one cent.

Road to be laid
out from said
bridge.

XI. *And be it further enacted* by the authority aforesaid, That James McElhaney, Jacob Barr, and Nathaniel Walker, shall be, and they are hereby appointed, commissioners, with full power and authority to open and lay out a public road from the north side of said bridge, the nearest and best way, to the Orangeburgh river road.

Kadle's bridge
on Edisto.

XII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, Josias Kadle shall be, and he is hereby, authorized and empowered to erect a toll bridge over South Edisto river, at the mouth of Pond Branch; and that the same be vested in the said Josias Kadle, his heirs and assigns, for the term of fourteen years. And that the following rates of toll be established and taken thereat, and no more, to wit:—for every loaded wagon and team, seventy-five cents; for every empty wagon and team, thirty-seven and a half cents; for every other four wheeled carriage, horses and driver, fifty cents; for every chair, horse and driver, twenty-five cents; for every cart, horse and driver, twenty-five cents; for every rolling hogshead of tobacco, and horse or horses, twenty-five cents; for every led horse, two cents; for every man

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and horse, six and a quarter cents; for every head of black cattle, two cents; for every head of hogs, sheep or goats, one cent.

XIII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, Jonathan Hughes shall be, and he is hereby, authorized and empowered to erect a toll bridge across Hughes's Edisto river, at the place commonly called Mey's ferry; and that the same be vested in the said Jonathan Hughes, his heirs and assigns, for the term of fourteen years. And that the following rates of toll, and no more, be taken thereat, to wit:—for every loaded wagon and team, fifty cents; for every empty wagon and team, thirty-seven and a half cents; for every other four wheeled carriage, fifty cents; for every chair, horse and driver, twenty-five cents; for every cart, horse and driver, twenty-five cents; for every rolling hogshead of tobacco, and horse or horses, twenty-five cents; for every led horse, two cents; for every man and horse, six and a quarter cents; for every head of black cattle, two cents; for every head of hogs, sheep or goats, one cent. *Provided*, the bridge aforesaid shall be completed within four years herefrom.

XIV. *And be it further enacted* by the authority aforesaid, That the said Jonathan Hughes shall be, and he is hereby, authorized and empowered, at his own expense, to open, lay out and keep in repair, two public roads; one on the South side of Edisto river, to leave the Augusta road at or near the plantation of James Cotuns; and to run from thence, the nearest and best way, to the toll bridge last abovementioned, intersecting the road leading from Columbia to Charleston, at or near Box's branch; the other road to leave the Augusta road at Mrs. Shewberd's place; and from thence, to run the nearest and best way, to the said toll bridge. *Provided, nevertheless*, that if the said Hughes shall lay out and keep in good repair the said roads, he and his hands liable to work on roads, shall be exempted from working on any other roads.

XV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the toll bridge on Tiger river, late by law established, and vested in David Sims, and which term of establishment is now expired, shall be, and the same is hereby, re-established, and vested in the said David Sims, his heirs and assigns, for the term of fourteen years. And that the said David Sims, his heirs and assigns, shall be entitled to receive the same rates of toll as have heretofore been by law allowed to be received at the said toll bridge.

XVI. *And be it further enacted* by the authority aforesaid, That a public road be laid out and opened, to run from the Augusta road, at or near the residence of Theophilus Barnes, in Prince William's parish, to intersect a road at William Daniel's, that leads to Matthew's Bluff, on Savannah river, so as to cross Coosawhatchie swamp at the lower end of Alexander R. Chisholm's plantation, and to pass between the fence of the said plantation as it now stands, and a branch called Buck Branch. And that John Youmans, Joseph Rogers, and Drury Lain, be, and they are hereby, appointed, empowered and authorized, to lay out and open the said road.

XVII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established across Catawba river, at the plantation of Thomas McDonald, lately known by the name of Wade's ferry; and that the same be vested in the said Thomas McDonald, his heirs and assigns, for the term of fourteen years. And that the following rates of ferriage, and no other, be taken and received at the said ferry, to

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wit:—for every loaded wagon and team, seventy-five cents; for every empty wagon and team, fifty cents; for every other four wheeled carriage, fifty cents; for every chair, horse and driver, twenty-five cents; for every cart, horse and driver, twenty-five cents; for every hogshead of tobacco, driver and horse or horses, twenty-five cents; for every man and horse, twelve and a half cents; for every led horse, six and a quarter cents; for every head of black cattle, two cents; and for every head of hogs, sheep or goats, one cent.

Cates's ferry,
over Enoree
river.

XVIII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established across the Enoree river, at the plantation of Aaron Cates; and that the same be vested in the said Aaron Cates, his heirs and assigns, for the term of fourteen years; and that the following rates of ferriage, and no more, be taken and received at the said ferry, to wit:—for every loaded wagon and team, twenty-five cents; for every empty wagon and team, twenty-five cents; for every other four wheeled carriage, twenty-five cents; for every chair, horse and driver, eighteen and three fourth cents; for every hogshead of tobacco, driver and horse or horses, twelve and a half cents; for every man and horse, six and a quarter cents; for every led horse, four cents; for every head of black cattle, three cents; and for every head of hogs, sheep or goats, two cents.

Road.

XIX. *And be it further enacted* by the authority aforesaid, That Isaac Tucker, John Hopkins [and] Joel Adams, shall be, and they are hereby appointed, commissioners, with power and authority to lay out and open a public road, from Howell's mill, on Mill creek, the nearest and best way, to pass through Minervaville to Tom's creek bridge.

Road discontinued.

XX. *And be it further enacted* by the authority aforesaid, That the public road which passes over the upper bridge, on Cedar creek, be, and the same is hereby, discontinued; any law, usage or custom to the contrary hereof notwithstanding.

Road to be
opened.

XXI. *And be it further enacted* by the authority aforesaid, That Samuel Maner shall be, and he is hereby, authorized, permitted and empowered to lay out and open, at his own expense, a road through his land, above a field of his, through which a road was established by an Act of the General Assembly, passed the seventeenth day of December, one thousand eight hundred and eight; and that whenever the new road now authorized to be laid out and opened by the said Samuel Maner, shall be completed, and approved by the following persons, or a majority of them, to wit, Col. Cuthbert, Col. James E. McPherson, Col. Brown, Col. Haywood and Major McMillan, the same shall be, and is hereby declared to be, a public road; and that at the same time, the public road which now passes through the fields of the said Samuel Maner, be, and the same is hereby declared to be, discontinued; any law, usage or custom to the contrary hereof notwithstanding.

Sugar creek to
be made navigable.

XXII. *Whereas*, sundry inhabitants residing on Sugar creek, have, by their petition to the Legislature, represented that the opening the navigation of Sugar creek, from Harrisburgh to its junction with the Catawba river, would be of great advantage and public utility. *Be it therefore enacted* by the authority aforesaid, That James Harris, James Hutchinson and Cunningham Harris, shall be, and they are hereby appointed, commissioners, with full power and authority, by means of dams, locks, canals, and clearing the obstructions now in the way, or by any other means or ways whatever, by them deemed most advisable and proper, to clear out

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and make navigable the said Sugar creek, from Harrisburgh, on said creek, to the junction of the same with the Catawba river.

XXIII. *And be it further enacted*, That no road, bridge or ferry, shall hereafter be established by law, unless the person or persons petitioning for the same shall have given notice to the commissioners of roads in the district or districts in which the said road, bridge or ferry is intended to be established, at least six months before the session of the Legislature; and shall bring to the Legislature a certificate of the same, from the board of commissioners.

Person to give notice of petition for road, &c.

XXIV. *And be it further enacted* by the authority aforesaid, That the bridge erected across the south fork of Edisto river, shall be, and the same is hereby declared to be, a toll bridge, and vested in the executors of Thomas N. Johnston, and for the benefit of his heirs, for the term of fourteen years, with the same privileges, under the like conditions, and to receive the same toll, as by an Act of this State, passed the sixteenth day of December, one thousand seven hundred and ninety-seven, it was subject and entitled to.

Johnston's bridge, on Edisto river.

XXV. *Whereas*, the terms of the establishment of the two ferries on Santee river, known by the names of Nelson's and Skrine's ferries, will shortly expire. *And whereas*, the continuation of the said ferries will be of great public utility. *Be it enacted* by the authority aforesaid, That the said two ferries called Nelson's and Skrine's ferries, on Santee river, shall be, and they are hereby, each of them, re-established, and vested in Theodore Gourdine, Esquire, his heirs and assigns, for the term of fourteen years, with the same privileges, and to receive the same ferriage at each of the said ferries, as by law heretofore have been allowed to be received and taken.

Nelson and Skrine's ferries vested in T. Gourdine.

XXVI. *Be it further enacted* by the authority aforesaid, That Henry Jackson, Richard Jones, Major Bond and Benjamin Hughes, be, and are appointed, commissioners to superintend the laying out and keeping in repair, the road leading from the Pine Log on South Edisto, in the nearest and best way, by the Jackson Shoals and Cedar Pond, to the road leading to Waters's ferry, on Saluda river.

Road.

XXVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every person keeping a ferry, to keep in good order the banks of the river or creek at such ferry. And in case of neglect, shall be subject to a fine of three dollars for each and every day of such neglect; the same to be recovered before any magistrate having competent jurisdiction.

Keepers of ferries to keep banks in order.

XXVIII. *And be it further enacted* by the authority aforesaid, That all commissioners of the high roads in the several and respective districts in this State, shall cause all the public roads to be posted and numbered; and at each fork of said roads a pointer, declaring the direction of said roads.

Roads to be posted and numbered.

XXIX. *And be it further enacted* by the authority aforesaid, That Daniel McKay, Thomas Harlee, Peter Campbell, Roger Roberts and Robert Moody, Jun., be, and they are hereby appointed, commissioners to superintend the clearing out and rendering navigable Little Peedee river, from the mouth of Drowning creek up to M'Call's bridge; and that whenever any vacancies shall happen in the said board of commissioners, by death, resignation or otherwise, the said vacancy shall be filled in the same manner in which vacancies in boards of commissioners of public roads are now filled; and the said commissioners hereby appointed, and their successors, shall be subject to the same penalties, and possess the

Little Peedee river to be made navigable.

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same powers, which commissioners of the public roads are subject to and possess.

Persons liable
to work on
said river.

XXX. *And it is hereby further enacted*, That all persons who live within three miles of the said river, between the two above places, and who are liable to work on the public roads, shall be, and they are hereby declared, liable to work on the said river, whensoever and so often as the said commissioners shall require them; *provided*, it does not exceed the number of days to which they are now liable to work on the public roads by the existing laws of this State; and in default of any of the duties which shall or may be required of them in conformity to this Act, and consistent with the various laws regulating the times and manner of working on the public roads, and the penalties and exemptions possessed and incurred thereby, he or they shall be, and are hereby declared to be, subject to the same penalties as are in force by the various road laws.

Penalty for
destroying
posts or point-
ers on roads.

XXXI. *And be it further enacted*, That upon the conviction of any person or persons having cut down or otherwise destroyed the posts and pointers on the several roads so erected, he, she or they, shall pay the sum of ten dollars, to be recovered before any magistrate residing in the district where such trespass shall be committed; and the money so recovered, shall be paid over to the board of commissioners of high roads, for the use and benefit of the roads.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1968. AN ACT AUTHORIZING THE BUILDING OF A BRIDGE OVER COOPER RIVER, AT CLEMENT'S FERRY.

Preamble.

WHEREAS, William Clement, and the other representatives of John Clement, deceased, have, by their petition exhibited to the General Assembly of this State, represented that the erecting a bridge or bridges over Cooper river and Clouter's creek, at a place where Clement's ferry is now established, would be of great public utility; and for the encouragement of such laudable undertakings,

Bridge to be
built at Clem-
ent's ferry.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, it shall and may be lawful for the said William Clement, and the other representatives of the said John Clement, deceased, their heirs and assigns, and all such person or persons as they may or shall associate with them, and their heirs and assigns, and every of them, are hereby fully empowered and authorized to build and construct a bridge over the said Cooper river, at the place now called Clement's ferry.

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II. And *whereas*, the said William Clement, and the other representatives, have prayed a like privilege to be extended to their assigns. *Be it* ^{Cooper river bridge company incorporated.} *therefore enacted* by the authority aforesaid, That the several persons who shall or may associate together, being purchasers of the right and interest herein of the said William Clement, and the other representatives of the said John Clement, deceased, for the purpose of erecting a bridge or bridges over Cooper river and Clouter's creek, at Clement's ferry, shall be, and they are hereby, incorporated as a body politic, in deed and in law, by the name of the Cooper River Bridge Company.

III. *And be it further enacted* by the authority aforesaid, That the said corporation, by their name aforesaid, shall have perpetual succession of ^{Said corporation to have succession of officers and members.} officers and members, to be appointed according to the by-laws and regulations which they may establish for the government of the said corporation; and they may have a common seal, with power to break, alter and make new the same, as often as they shall judge expedient.

IV. *And be it further enacted* by the authority aforesaid, That the said corporation shall be able and capable in law, to purchase, have, hold, take, ^{May hold} receive, possess, retain and enjoy to itself, in perpetuity, or for any term of years, any estate, real or personal, of what kind or nature soever, and to sell, alien or dispose of the same as they may think proper; and by the name aforesaid, to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this State; and to make such rules and by-laws, not repugnant or contrary to the laws of the land, as for the good order and government of the said corporation may by the same be thought expedient or necessary. *Provided* that the said real and personal estate shall not produce an income exceeding sixty thousand dollars per annum.

V. *And be it further enacted* by the authority aforesaid, That the said corporation shall be, and they are hereby, authorized to raise a capital for ^{Authorized to raise a capital.} the purposes aforesaid by subscription, in such manner as they shall deem necessary and expedient.

VI. *And be it further enacted* by the authority aforesaid, That the said corporation, having first purchased the right and interest of the said William Clement and the other representatives of the said John Clement, deceased, shall be, and they are hereby, authorized and empowered to erect a bridge or bridges over Cooper river and Clouter's creek, at Clement's ferry aforesaid, which shall be vested in the said corporation, their successors and assigns, in perpetuity; and they shall be authorized and empowered to exact and receive for toll over the said bridge, the sum of twenty-five per cent, in addition to the ferriage established by law at the said ferry.

Toll.

VII. *And be it further enacted* by the authority aforesaid, That no bridge shall, within one hundred years hereafter, be established over the ^{No bridge to be kept within 7 miles.} said river, within seven miles of the bridge that shall be erected by virtue of this Act.

VIII. *And be it further enacted* by the authority aforesaid, That whoever engages in the erecting of the said bridge, shall be, and they are hereby, authorized and empowered to constitute and draw one or more ^{Authorized to draw lotteries.} lotteries, at such time, and in such manner, and according to such plan as they may think fit; the nett profits whereof shall not exceed one half of the sum that the said bridge shall cost; and the profits thereof to apply to the erecting of the said bridge.

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*Acts relating to Roads, Bridges and Ferries.*Bridge to be
completed in
7 years.

IX. *And be it further enacted*, That this Act, and every part of it, shall cease and be of no effect, unless the company shall commence and complete the building of the said bridge within seven years from [and] after the ratification of this Act.

Draw to be
made in said
bridge.

X. *And be it further enacted*, That the said bridge shall be at least twenty-five feet wide, and there be a draw in the said bridge in the channel of the said river, in such place as the same is the deepest and most easily navigable, not less than thirty feet wide, for the passage of vessels through the said bridge, with such anchors and buoys as shall be necessary and convenient to facilitate and secure such passage.

Legislature to
regulate the
toll.

XI. *And be it further enacted*, That the Legislature of this State shall have it in their power to regulate the toll to be taken at said bridge, in such manner that the said company shall not be allowed to receive more than twenty-five per cent per annum on their capital of the said company.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and ten, and in the thirty-fifth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1977. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Ferry on Sa-
vannah river.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a public ferry shall be, and is hereby, established across Savannah river, at the place formerly known by the name of Robinson's ferry; and that the same be vested in the heirs of William Daniel, deceased, for the term or fourteen years. And that the same rates of ferriage be taken thereat, as is at present allowed at Matthew's Bluff.

Comm'rs. of
roads appoint-
ed.

II. *And be it further enacted* by the authority aforesaid, That Charles Storey, John Kennedy, Samuel Lowry, Zachariah Norwood, and Thomas Wells, shall be, and they are hereby appointed, additional members to the board of commissioners of roads and bridges for Salem county, and vested with the same powers, and subject to the same penalties, which members of boards of commissioners of roads and bridges now are or may hereafter be vested with or made subject to.

Comm'rs. to fill
vacancies.

III. *And be it further enacted* by the authority aforesaid, That the said board of commissioners are hereby empowered and directed to fill any vacancy which may occur by death, resignation or otherwise, in the manner directed by law for other boards of commissioners of roads in like cases.

Clark's ferry
on Broad river.

IV. *And be it enacted* by the authority aforesaid, That a ferry across Broad river, at the plantation of James Clark, about one mile below the mouth of Sandy river, be vested in James Clark, his heirs and assigns, for the term of fourteen years. And that the following rates of ferriage be

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taken, viz :—for every foot passenger or led horse, six and a quarter cents; for every four wheeled carriage and driver, seventy-five cents; for every two wheeled carriage and driver, twenty-five cents; for every man and horse, twelve and a half cents; for each head of goats, sheep, hogs or black cattle, one cent.

V. *And be it enacted* by the authority aforesaid, That a toll bridge shall be, and is hereby, established over Enoree, at the Mountain Shoals, in Spartanburgh district; and that the same be vested in Nathaniel Durkie, his heirs and assigns, for the term of fourteen years. And that the following rates of toll, and no more, be received and taken, viz :—for every foot passenger and led horse, three cents; for every man and horse, six and a quarter cents; for every two wheeled carriage and driver, twenty-five cents; for every hoghead of tobacco, eighteen and three quarters cents; for every four wheeled carriage and driver, thirty-seven and a half cents; for each head of hogs, sheep, goats or black cattle, one cent.

VI. *And be it further enacted* by the authority aforesaid, That the board of commissioners of roads, bridges and ferries, in the district of Orange, shall be, and they are hereby, authorized and empowered to change that part of the public road leading from Orangeburg to Belville, which runs through the plantation of Van De Vastine Jameson, and to discontinue the old road through said plantation.

VII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Saluda river, at the place called the Island Ford, on the lands belonging to Archey Mayson and William Caldwell; and that the same be vested in the said Archey Mayson and William Caldwell, their heirs, executors, administrators and assigns, for the term of fourteen years. And that it shall and may be lawful for them to receive at the same, the following, and no greater, rates of ferriage. For every foot passenger or led horse, four cents; for every man and horse, six and a quarter cents; for every two wheeled carriage, horse and driver, twenty-five cents; for every four wheeled carriage, and horses and driver, fifty cents; for every hoghead of tobacco, horse and driver, twenty-five cents; for every head of black cattle, sheep, goats or hogs, two cents.

VIII. *And be it enacted* by the authority aforesaid, That Samuel Pendergrass, Samuel E. Nelson, Isaac Bagnal, Theodore Gourdine, and John Conyers, Esquires, who, by an Act entitled "An Act to establish certain roads, bridges and ferries therein mentioned," passed in the year one thousand eight hundred, were appointed commissioners to lay out and open a road from Bruington's bridge across Black river, in the county of Clarendon, to Cord's blue house, on Santee river, shall, in addition to the powers and authority in them vested by the aforesaid recited Act, be authorized and empowered, not only to lay out and open the same, but to complete the same, and to make it thirty feet wide.

IX. *And be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, it shall and may be lawful for Joseph Hill, his heirs and assigns, and they are hereby fully authorized and empowered, to lay out and open a road leading from any place on Savannah river, between Beck's ferry and Tunbridge, the nearest and best way, to Coosawhatchie; and to erect such causeways and bridges on the said road, as may be expedient and necessary.

X. *And be it enacted* by the authority aforesaid, That for and in consideration of the great charges the said Joseph Hill, his heirs or assigns, will sustain in opening the said road and erecting causeways and bridges

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Said road vest-
in him for 100
years.

thereon, and repairing and supporting the same, the said road, causeways and bridges, when laid out, erected and built, shall be, and the same is hereby, vested in the said Joseph Hill, his heirs and assigns, for the term of one hundred years; and it shall and may be lawful for the said Joseph Hill, his heirs and assigns, to erect toll gates on such part or parts of the said causeways and bridges as he shall think proper and necessary; and for passing the said causeways and bridges, shall be entitled to receive and take the following rates of toll:—for every foot passenger, six and a quarter cents; for every stage passenger, six and a quarter cents; for every man and horse, twenty-five cents; for every single horse, led or drove, twelve and a half cents; for every ass or mule, twelve and a half cents; for every chair or sulkey, fifty cents; for every four wheeled pleasure carriage, one hundred cents; for every wagon and team, and one driver, one hundred cents; for every cart, team and one driver, fifty cents; for each head of black cattle, six and a quarter cents; for every head of hogs, sheep or goats, four cents; for every drag, twenty-five cents; for every rolling hogshhead of tobacco, twenty-five cents.

Boats to be
used until
bridges are
built.

XI. *And be it enacted* by the authority aforesaid, That until the aforesaid bridges shall be erected, it shall and may be lawful for the said Joseph Hill, his heirs and assigns, to have and keep at the places where such bridges are to be erected, good and sufficient ferry boats, and shall be entitled to have and receive the same rates for ferriage as is before allowed for toll. *Provided*, that the said road, causeways and bridges, be completed within ten years from the passing of this Act.

Keeper exempt
from militia
duty.

XII. *And be it enacted* by the authority aforesaid, That the keeper of the said toll bridges and causeways shall be exempted from serving on juries, or from serving in the militia of this State.

Commissioner
appointed.

XIII. *And be it further enacted* by the authority aforesaid, That one commissioner of the roads be appointed for the district of Laurens, in addition to the number now allowed by law.

Roads out of
use may be
closed.

XIV. *And be it further enacted* by the authority aforesaid, That whenever any new road has been, or may hereafter be, opened by the direction, or with the approbation, of the commissioners of the roads, to shorten an old one, or from any other cause has become of no real advantage to the public, it shall be lawful for the commissioners, on application, to permit such old road to be closed.

Toll on wagons
at the Cypress.

XV. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, no other or greater toll shall be had or taken at the causeway established across the Cypress, in St. George's parish, for any wagon, drawn by not more than two horses, than eighteen and three fourth cents.

Comm'rs. of
roads divided.

XVI. *And be it enacted* by the authority aforesaid, That the board of commissioners of roads, bridges and ferries, in and for the parish of St. Bartholomew, shall be, and the same is hereby, divided into two separate boards, by a line drawn and to be run from the mouth of Black creek, on Saltcatcher river, the most convenient and direct way, to Island creek bridge; thence along Island creek swamp, until it intersects the head of Red Bank creek; thence along said creek to Edisto river. And that the members of the said board, residing South of the said line, shall constitute and be called the lower board, and shall hold their meetings, at the several times required by law, at the cross road at Mr. George Rump's; and the members of the said board residing to the North of the said line, shall constitute and be called the upper board, and shall hold their meetings at

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the several respective times required by law, at the Cross Roads near the widow Smyly's; and the said two boards of commissioners shall have the same powers and authority, and [be] subject to the same penalties, which boards of commissioners of the roads, bridges and ferries now are or may hereafter be vested with or made subject to.

XVII. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads in the parish of St. Bartholomew's, shall, after their next meeting on the first Monday in April next, hold their sittings on the first Wednesday in May and January in every year; any law, usage or custom to the contrary thereof notwithstanding. Comm'rs. when
to meet.

XVIII. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on Edisto river, in Colleton district, at the plantation now owned by John Spell, and late the property of Charles Dewitt, and vested in the said John Spell, his heirs and assigns, for the term of fourteen years; and that it shall be lawful for the said John Spell, his heirs and assigns, to take and receive the following rates of ferriage, and no more, to wit:—for every foot passenger, four cents; for every led horse, four cents; for every man and horse, seven cents; for every two wheeled carriage, horse and driver, twenty-eight cents; for every four wheeled carriage, horses and driver, seventy-five cents; and for every head of black cattle, sheep, goats or hogs, two cents. Spell's ferry,
over Edisto
river.

XIX. *And be it enacted* by the authority aforesaid, That a ferry across Savannah river, about four miles below the confluence of Tugaloo and Keowee rivers, in Pendleton district, formerly established in Thomas Shockley, be, and the same is hereby, established in James Shockley, his heirs and assigns, for the term of fourteen years; and that the same rates of ferriage be taken thereat, as was heretofore allowed by law to the said Thomas Shockley. Shockley's fer-
ry over Savan-
nah river.

XX. *And be it enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Savannah river, at Fort Moore Bluff, in the district of Edgefield, at the plantation of the late Rev. Thomas Lamar; and that the same shall be, and is hereby, vested in the heirs of the said Thomas Lamar, their heirs, executors, administrators or assigns, for the term of fourteen years; and that it shall be lawful to receive the following, and no greater, rates of ferriage at the same:—for every foot passenger, six and a quarter cents; for every led horse, six and a quarter cents; for every man and horse, twelve and a half cents; for every carriage with two wheels, horse and driver, thirty-seven and a half cents; for every four wheeled carriage, horses and driver, seventy-five cents; for every rolling hogshead of tobacco, horse and driver, twenty-five cents; and for every head of black cattle, sheep, goats or hogs, four cents. Lamar's ferry;
over Savannah
river.

XXI. *Whereas*, by an Act of Assembly of this State, passed the seven-teenth day of December, in the year one thousand eight hundred and eight, authorizing the Charleston Bridge Company to erect a bridge over Ashley river, with a draw in the same, of the width of thirty-five feet. *And whereas*, it is ascertained that a draw in the said bridge of thirty feet is sufficient for a passage through the said draw, of any vessel capable of coming over Charleston bar, and that a draw of thirty-five feet will materially injure the said bridge by rendering the same weak and unstable; for remedy whereof, *Be it enacted* by the authority aforesaid, That so much of the said Act which requires that the said draw should be thirty-five feet wide, shall be, and is hereby, repealed; and the said company are hereby authorized to make the draw in the said bridge only thirty feet wide. Draw in bridge
over Ashley
river altered.

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appointed.

XXII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, Charles Storey, John Kennedy, Samuel Lowry, Zachariah Norwood and Thomas Wells, shall be, and they are hereby appointed, additional commissioners of the roads, bridges and ferries, in and for the district of Salem, vested with all the powers, and subject to all the penalties, which commissioners of roads, bridges and ferries are now or may hereafter be by law vested or subject to.

Maner's road
not approved
of.

XXIII. *And whereas*, by a clause in the Act for establishing certain roads, bridges and ferries, passed the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, Samuel Maner was authorized to lay out and open, at his own expense, a certain road therein mentioned, which, when completed and approved of by certain commissioners therein mentioned, should be in lieu of a certain other road therein mentioned, and that the other road should be stopped and discontinued. But inasmuch as the commissioners therein appointed have reported that the new road herein mentioned is not such as can be approved of by them, *Be it therefore enacted* by the authority aforesaid, That the road thus allowed to be stopped by the said Act shall not be stopped, but that the same shall continue and be a public road, as is provided by the Act establishing the same, passed the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight.

Subscription to
be opened for
Turnpike road.

XXIV. *Whereas*, the Legislature of this State, by their resolution dated the eighteenth December, one thousand eight hundred and nine, appointed John Johnstop, Junior, John Bowen, John Dupont, Theodore Gourdine and George Keckley, or a majority of them, commissioners to enquire into the practicability and site for commencing a turnpike system, and to report a plan and survey of the same to the Legislature at the present session. *And whereas*, the said commissioners, by virtue of the resolution aforesaid, did form a board, and after mature consideration, resolved on the following site, as the most proper for commencing the operation of a turnpike system, to wit:—beginning at the angle of the road next below the quarter or six mile house, in St. Philip's parish, and from thence running a north course, crossing Goose creek at or near the plantation of John Bowen; and from thence to cross Back river, below the plantation of John Ball; and from thence over Cooper river, at or near Strawberry ferry; agreeably to a survey and report of the said board of commissioners now laid before the Legislature. To encourage an undertaking so much to be desired for the benefit of all the citizens of this State, *Be it enacted* by the authority aforesaid, That Samuel Robertson, Alexander Henry, Theodore Gourdine, Thomas Lee, Simon Magwood, Joseph Johnson, Richard Cunningham, Joseph Kirkland and John Bowen, or a majority of them, be, and they are hereby appointed, commissioners to receive subscriptions for the establishment of a company to carry the said turnpike system into operation; for which purpose the said commissioners shall meet at the exchange, in Charleston, on the first Monday and Tuesday in May next, and there receive subscriptions of all such persons as may be desirous of subscribing and associating for the purpose of becoming members of the said company.

Turnpike com-
pany incorpo-
rated.

XXV. *And be it further enacted* by the authority aforesaid, That the several persons who shall or may associate together, as hereinafter prescribed, for the purpose of establishing the turnpike road and toll bridges thereon, and their successors, shall be, and they are hereby, incorporated

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as a body politic and corporate, in deed and in law, by the name of the Charleston Turnpike and St. John's Bridge Company.

XXVI. *And be it further enacted* by the authority aforesaid, That the said corporation, by their name aforesaid, shall have perpetual succession of officers and members, to be appointed according to the by-laws and regulations which they may establish for the government of the said corporation; and that they may have a common seal, with power to break, alter and make new the same, as often as they may judge expedient. To have perpetual succession of officers.

XXVII. *And be it further enacted* by the authority aforesaid, That the said corporation shall be able and capable in law to purchase, have, hold, take, receive, possess, retain and enjoy to itself, in perpetuity, or for any term of years, any estate, real or personal, of what kind or nature soever, and to sell, alien and dispose of the same, as they may think proper; and by the name aforesaid, to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity; and to make such rules and by-laws, not repugnant or contrary to the laws of the land, as for the good order and proper government of the said corporation may by the same be thought proper, expedient and necessary. *Provided nevertheless*, that the said real and personal estate shall not produce an income exceeding fifty thousand dollars per annum. And may hold property.

XXVIII. *And be it further enacted* by the authority aforesaid, That the capital of the said corporation shall be divided into five hundred shares; and if on the days aforesaid more than the said number of shares shall be subscribed for, then the said shares shall be apportioned among the subscribers in average and proportion to the number of shares subscribed. *Provided, however*, that the subscribers, respectively, shall have at least one share allotted to them, unless there shall not be a sufficient number of shares to make such apportionment, in which case they shall be apportioned by lot, neither acquiring more than one share. Capital divided into 500 shares.

XXIX. *And be it further enacted* by the authority aforesaid, That the said company shall be, and they are hereby, authorized and empowered to establish a bridge over Cooper river, in such part or place in the parish of St. John's, Berkley county, in the district of Charleston, as they shall hereafter fix and determine on. *Provided*, that the said corporation cannot procure by purchase, at a reasonable price, the site of Strawberry ferry, for the said bridge. Also, one other bridge over Goose Creek, at or near the plantation of John Bowen; which bridges shall hereafter be vested in the said company, their successors and assigns, in perpetuity. Corporation to establish a bridge over Cooper river.

XXX. *And be it further enacted* by the authority aforesaid, That the said company shall be, and they are hereby, authorized and empowered to establish a turnpike road from where the public road forms an angle below the quarter or six mile house, in the parish of St. Philip's; and from thence to Goose Creek, at the plantation of John Bowen; from thence to cross Back river, below the plantation of John Ball, in the parish of St. James, Goose Creek; and from thence, to any site on Cooper river, at or near Strawberry ferry, which the said corporation may fix on; which shall be vested in the said corporation, their successors and assigns, in perpetuity. And they shall be authorized to exact a toll, which shall not exceed twenty-five per cent on the sum which they shall actually expend in making, repairing and keeping the said road. Turnpike road, where to be established.

XXXI. *And be it further enacted* by the authority aforesaid, That no bridge or ferry, or turnpike road, shall hereafter be established within three and a half miles of said bridges and turnpike road that shall be established No bridge, &c. to be in 3 and a half miles.

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by the said corporation, under and by virtue of this Act. *Provided*, that the present ferry on Cooper river, at Clement's and Strawberry ferries, and the present roads already established, be excepted from this exclusive right.

Ferries to be kept until bridges are built.

XXXII. *And be it further enacted* by the authority aforesaid, That until the said bridges shall be completed, the said company be, and they are hereby, empowered to establish a ferry at Goose creek and Cooper river, at the respective places on which they shall fix and determine for the erection of the bridges aforesaid; and shall be authorized to receive and exact as ferriage, the same rates as are received at Strawberry ferry, and one half the same rates at Goose creek.

Company authorized to draw lotteries.

XXXIII. *And be it further enacted* by the authority aforesaid, That the said company shall be, and they are hereby, authorized and empowered to institute and draw one or more lotteries, at such times, and in such manner, and according to such plan, as they may think fit; the neat profits of which shall not exceed one half of the cost or expense of the said turnpike road and bridges; and the profits thereof shall be applied to the use of the said company, for the purposes aforesaid. *Provided, nevertheless*, that the said road be completed within seven years, and the said bridges within ten years, from and after the passing of this Act. *And provided also*, that the bridge over Cooper river be twenty-five feet wide, and there be a draw in the said bridge in the channel of said river, in such place as is deepest and most easily navigable, not less than thirty feet wide, for the passage of vessels through the said bridge, with such anchors and buoys as shall be necessary to facilitate and secure such passage. *And provided also*, that the bridge over Goose creek be twenty feet wide, and that there be a draw in the same bridge of twenty-five feet wide, to be fixed in the same manner and for the same purposes as the draw above directed to be made in the bridge over Cooper river.

Road and bridges to be kept in repair.

XXXIV. *And be it enacted* by the authority aforesaid, That the said company shall be obliged to keep the said road and bridges in good repair and sufficient order, at all times, on pain of becoming answerable for any damages occasioned by their wilful default or neglect. That the stock, shares and lands held by the said company, be exempt from any rate, tax, duty, assessment or imposition whatever, until the stockholders have received ten per cent per annum on their capital, from the term of vesting it. And that the said stock and shares may be sold, transferred and assigned, and bequeathed, by the proprietors, respectively. And in case of their dying intestate, shall go as personal estate, according to law.

Company to make use of materials.

XXXV. *And be it further enacted* by the authority aforesaid, That the said company shall have power to make use of any materials in vicinity of the said road and bridges, for making and keeping the same in repair, paying a reasonable price for the same. And where they and the owners of such materials cannot agree for the same, to take such materials on valuation, so to be made by a majority of five persons, to be appointed by the Court of Common Pleas to value such materials, shall, on the payment of the sum at which it shall be so valued, be possessed and vested in the said company and their successors, forever.

General issue may be pleaded.

XXXVI. *And be it enacted* by the authority aforesaid, That if any person shall be sued for any matter or thing done in pursuance of this Act, he may plead the general issue, and give this Act and the special matter in evidence; and if a verdict against the plaintiff, or non-suit, or discontinuance be had, the defendant shall recover double cost. That this shall be deemed and taken to be a public Act, and judicially taken notice of as

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such without special pleading, and liberally construed for carrying the purposes aforesaid into effect.

XXXVII. *And be it enacted* by the authority aforesaid, That the road lately laid out by the commissioners of the roads for Fairfield district, leading from Winnsborough to Camden, through the plantation of Nathaniel Ford, be, and the same is hereby, discontinued. Road discontinued.

XXXVIII. *Whereas*, a swamp called the Lake Swamp, on the new road leading from Conwayborough to Floyd's ferry, often overflows, so as to prevent the inhabitants from keeping in good repair the said road, and it is found inexpedient to give six days notice to the inhabitants liable to work on said road, as in the interim the said swamp often everflows, so as to prevent persons from working thereon. Therefore, *Be it enacted*, That hereafter, it shall be the duty of the commissioners of said road to summons, by three days previous notice instead of six, as now required by law, all persons liable to work on said Swamp, together with that part of the road from Bugg bridge to the cross road at Hugh Stevens's; any law, usage or custom to the contrary notwithstanding. Notice to be given to persons to work on Lake Swamp.

XXXIX. *Whereas*, the board of commissioners of roads in several districts and parishes in this State, are divided into two or more divisions for the purpose of facilitating the business of such commissioners, *Be it further enacted* by the authority aforesaid, That each division of such commissioners shall have full power to grant tavern licences in their respective divisions; any law, usage or custom to the contrary notwithstanding. Comm'rs. to grant tavern licences.

XL. *Whereas*, the inhabitants of Kershaw district, proprietors and cultivators of lands situate on the Twenty-five mile creek, have, by their petition to the Legislature, prayed that they may be permitted to open and render navigable the said creek at their own expense. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the proprietors and cultivators of the lands on both sides of Twenty-five mile creek, in the district of Kershaw, shall be, and they are hereby, authorized and empowered to open, clear out and render navigable the said creek, from the mouth of Bear creek to where the said Twenty-five mile creek empties itself into the Wateree river. *Provided*, that nothing herein contained shall be construed to prejudice the rights of any person owning or having a mill seat or mill seats on the said creek, or to prevent the proprietors or cultivators of lands on both sides of said creek, from erecting and keeping water fences across the said creek, constructed with bars or gates, sufficient to admit the passage of boats or rafts twelve feet wide. Twenty five mile creek to be made navigable.

XLI. *And be it enacted* by the authority aforesaid, That if any person shall hereafter fell any tree or trees into the said creek, or stop up, or in any manner obstruct the passage of the said creek, except in the manner before mentioned, he, she or they so offending, shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace, to be paid to such person or persons as may inform thereof. Penalty for obstructing said creek.

XLII. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established on the Wateree river, at the place on the said river commonly known and called Brisbane's ferry; and that the same shall be, and is hereby, vested in the proprietors of the land on each side of said river, their heirs, executors, administrators and assigns, for and during the term of seven years; and that the following, and no greater, rates of ferriage shall be taken and received at the said ferry:— for every foot passenger, six and a quarter cents; for every led horse, six Brisbane's ferry on Wateree river.

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Flats to be
kept at the
Lakes.

and a quarter cents; for every carriage with two wheels, horse and driver, fifty cents; for every four wheeled carriage, with horses and driver, one hundred cents; for every man and horse, twelve and a half cents; for every head of black cattle, sheep, goats or hogs, four cents.

XLIII. *And be it enacted* by the authority aforesaid, That the said proprietors, their heirs, executors, administrators and assigns, shall and are hereby required to keep, during the said term of seven years, good and sufficient flats at the several Lakes on the road leading through the swamp from the said ferry last above mentioned.

Comm'rs. of
poor for Salem
county to be
elected.

XLIV. *And be it enacted* by the authority aforesaid, That every free white man of the age of twenty-one years, who is a resident of Salem county, in Sumter district, and who, by the constitution of this State, are capable to elect members to the Legislature of the same, shall, on the first Monday of April next, and always after, on the several days allowed by law for electing members to the Legislature of this State, elect five commissioners of the poor for the said county, who, when elected, shall be vested with all the powers, and subject to all the penalties, which commissioners of the poor are now vested and made subject to, or may hereafter by law be vested with or made subject to.

Wateree river
to be opened.

XLV. *And be it further enacted* by the authority aforesaid, That Zachariah Cantey, John Kershaw, Stark Hunter and John McLaughlan, be, and they are hereby appointed, commissioners for opening the Wateree river; and that all appointments of commissioners heretofore made, be repealed.

Vacancies to
be filled.

XLVI. *And be it further enacted*, That a majority of the aforesaid commissioners be, and are hereby, authorized and empowered to fill any vacancy which may occur by death, resignation or otherwise.

Powers of In-
tendant and
Wardens of
Beaufort.

XLVII. *And be it further enacted* by the authority aforesaid, That the intendant and wardens of the town of Beaufort, and their successors in office, shall be, and hereby are, invested with all the powers and authority of the commissioners of roads, and shall and may exercise the same any where within the limits of the said town.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and ten, and in the thirty-fifth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

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AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; No. 1994.
AND FOR CERTAIN PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry over the Wateree river, commonly known and called the Camden ferry, shall be, and the same is hereby, re-established for the term of fourteen years; and vested in Mary Kershaw, Benjamin Perkins, and Sarah Perkins, the proprietors of the land on the west side of said river, their heirs, executors and assigns; and in William Adams, the proprietor of the land on the east side of said river, his heirs and assigns. And that the following, and no greater, rates of ferriage shall be received at the same, viz:—for every foot passenger, four cents; for every led horse, four cents; for every horse and rider, six and a quarter cents; for every two wheeled carriage, fifty cents, with horse and driver attached to the same; for every four wheeled carriage, horses and driver, seventy-five cents; for every head of black cattle, four cents.

Camden ferry
vested in M.
Kershaw and
others.

II. *Be it enacted* by the authority aforesaid, That the ferry over the Wateree river, at the place commonly known and called James's ferry, be, and the same is hereby, re-established, [and vested] in Samuel James, his heirs, executors and assigns, for fourteen years. And that the following, and no greater, rates of ferriage be received, viz:—for every foot passenger, four cents; for every led horse, six and a quarter cents; for every horse and rider, six and a quarter cents; for every two wheeled carriage, and horse and driver, fifty cents; for every carriage with four wheels, horses and driver, one dollar; for every head of black cattle, four cents; for every head of sheep, goats or hogs, two cents.

James's ferry
on Wateree.

III. *And be it enacted* by the authority aforesaid, That James Legare, Benjamin Jenkins, Sen., Thomas Hanscom, James Laroach, and William Reynolds, be, and they are hereby, they, or any three of them, appointed commissioners, for the purpose of continuing and extending the public road on John's Island, leading from the Presbyterian Church, on said island, to the landing on Bohicket Creek, commonly called Simons's back landing; and from thence to Haulover Cut. And that the said commissioners shall, and they are hereby empowered to, call out all such person or persons, liable to work on the public roads, to lay out, open and keep the said road in repair, who now, or shall hereafter, reside within ten miles of the said road herein contemplated to be opened.

Road on
John's Island
to be continued
and extended.

IV. *And be it further enacted* by the authority aforesaid, That Mr. Francis Simmons be, and is hereby, allowed to put up and keep on said road, a good and sufficient gate, without a lock, to be approved of by the commissioners of the Bohicket road.

Gate may be
kept.

V. *And be it enacted* by the authority aforesaid, That the ferry on the Catawba river, in York district, commonly called Bigger's ferry, and lately, by law, vested in Dr. John Allison, be, and the same is hereby, re-established; and vested in James Mason, his heirs and assigns, for the term of fourteen years. And that the following rates of ferriage, and no more, be received at the same, to wit:—for every foot passenger, four cents; for every led horse, four cents; for every rider and horse, six and a quarter cents; for every carriage with two wheels, horse and driver, twenty-five cents; for every four wheeled carriage, driver and horses, seventy-five cents; for every hogshead of tobacco, horse and driver, twenty-five cents; for every head of black cattle, sheep, goats or hogs, two cents.

Mason's ferry
on Catawba
river.

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Road from Anderson's ford, on Enoree, to Hill's ford, on Tiger river.

VI. *And be it enacted* by the authority aforesaid, That Aaron Catez, George Clark, Burwell Chick, Robert Crenshaw, and Benjamin Maybin, or a majority of them, be, and they are hereby appointed, commissioners, to establish a public road leading from Anderson's ford, on Enoree river, to Hill's ford, on Tiger river. Which road, when so opened and established, shall be the dividing line between that part of Newberry and Union districts; and that the boards of commissioners of roads, bridges and ferries, for Union and Newberry districts, do keep the same in repair.

Jones's bridge on Lynch's Creek.

VII. *And be it enacted* by the authority aforesaid, That the toll bridge on Lynch's Creek, commonly called Jones's bridge, shall be, and the same is hereby, re-established; and vested in Dempsey Jones, his heirs and assigns, for the space of ten years. And that the following, and no greater, rates of ferriage be received thereat, to wit:—for every foot passenger, three cents; for every led horse, three cents; for every man and horse, six and a quarter cents; for every carriage with two wheels, driver and horses, twenty cents; for every carriage with four wheels, horses and driver, thirty-seven and a half cents; for every head of black cattle, sheep, goats or hogs, one cent.

Bridge at Orangeburgh, in whom vested.

VIII. *And be it enacted* by the authority aforesaid, That the toll bridge across Edisto, at Orangeburgh, shall be, and the same is hereby, re-established; and vested in Elizabeth B. Lestargette, in behalf of herself and her minor children, in such proportions as they are by law entitled to a distributive share of the estate of the intestate Lewis Lestargette, her late husband, their heirs and assigns, for the term of fourteen years. And that the following rates of toll, and no more, be received at said bridge, to wit: for every foot passenger, three cents; for every led horse, three cents; for every man and horse, six and a quarter cents; for every carriage with two wheels, driver and horse, twenty-five cents; for every loaded wagon, with four horses and driver, fifty cents; for every empty wagon and four horses, thirty seven and a half cents; for a loaded wagon and two horses, thirty-seven and a half cents; for every empty wagon, with two horses, twenty-five cents; for every hogshead of tobacco, horse and driver, twelve and a half cents; for every head of black cattle, sheep, goats or hogs, one cent.

E. Cannon's bridge on Edisto.

IX. *And be it enacted* by the authority aforesaid, That the toll bridge over the South fork of Edisto river, lately vested, by law, in Robert Cannon, deceased, shall be re-established; and vested in Elinor Cannon, her heirs and assigns, for the term of fourteen years. And that the same rate of toll shall be received as at Lestargette's bridge.

Ferry on Waccamaw, in whom vested.

X. *And be it enacted* by the authority aforesaid, That the ferry established on Waccamaw river, and vested in Jesse Brewton's heirs and Benjamin Gause, which establishment has expired, shall be re-established, and vested in the said heirs of the said Jesse Brewton, their heirs and assigns, on the south-east side of the said river; and the ferry on the north-west side of the said river, in the said Benjamin Gause, his heirs and assigns, for the term of fourteen years. And that the following, and no greater, rates of ferriage shall be taken at the same, to wit:—for every foot passenger, four cents; for every led horse, four cents; for every man and horse, six and a quarter cents; for every carriage with two wheels, horse and driver, twenty-five cents; for every carriage with four wheels, with horses and driver, seventy-five cents; for every head of black cattle, sheep, goats or hogs, three cents.

XI. *And be it enacted* by the authority aforesaid, That the public road in the district of Lancaster, laid out in the year one thousand eight hundred

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and nine, by commissioners appointed by the board of commissioners in and for the said district of Lancaster, which begins about one mile below Twelve Mile Creek, and running through the plantation or lands of Joshua Gordon, until it intersects the State line, shall be, and the same is hereby, discontinued, and shall no longer be used as a public road; and that the order of the said board of commissioners in the said district of Lancaster, for laying out, opening and keeping in repair the said road, shall, and the same is hereby declared to, be void.

Road in Lancaster district, discontinued.

XII. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and the same is hereby, established over Little Peedee, at Richard Miller's plantation, in the district of Marion; and that the same be vested in the said Richard Miller, his heirs and assigns, for the term of fourteen years. And that the following, and no greater, rates of ferriage be taken at the same, to wit:—for every foot passenger, four cents; for every led horse, four cents; for every man and horse, six and a quarter cents; for every carriage with two wheels, horses and driver, twenty-five cents; for every carriage with four wheels, with horses and driver, fifty cents; for every head of black cattle, goats, sheep or hogs, two cents.

Miller's ferry on Peedee.

XIII. *And be it enacted* by the authority aforesaid, That John Merryweather, John Shotwell, and Carr Maguhe, be, and the same are hereby appointed, commissioners to alter and turn the public road in the district of Abbeville, which now runs near or through the premises of Benjamin Mitchell, in the said district of Abbeville, in such way and manner as to such commissioners, or a majority of them, shall prove least injurious to private property, and shall be most conducive to the public good.

Road in Abbeville, to be altered.

XIV. *And be it enacted* by the authority aforesaid, That the public road in the district of Spartanburgh, leading from the market road, called Crow's road, near Price's, and intersecting the same road near Bellmont, and which passes through the plantation of Willis Williford, situated on Tiger river, shall be, and the same is hereby declared to be, discontinued.

Road in Spartanburgh, discontinued.

XV. *And be it enacted* by the authority aforesaid, That the toll bridge on the North fork of Edisto river, commonly called Jordan's bridge, shall be, and the same is hereby, re-established; and vested in William Williamson, his heirs and assigns, for the term of fourteen years. And that the same rates of toll be taken, as were heretofore taken at said bridge by Guerard Jordan.

Williamson's bridge over Edisto.

XVI. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and the same is hereby, established across Broad river, upwards of three miles above Compt's ferry, and near Faust's ford; and vested in Christopher Sharp, his heirs and assigns, for the term of fourteen years. And that the following, and no greater, rates of ferriage shall be taken or received at the same, to wit:—for every led horse, six and a quarter cents; for every foot passenger, four cents; for every man and horse, twelve and a half cents; for every carriage with two wheels, horse and driver, thirty-seven and a half cents; for every carriage with four wheels, horses and driver, seventy-five cents; for every hogshead of tobacco, thirty-seven and a half cents, with horses and driver; and for every head of black cattle, sheep, goats or hogs, two cents. And the said Christopher Sharp is hereby authorized and empowered to lay out and make, at his own expense, all such road or roads leading to and from the said ferry as he shall deem necessary, so as the same, or any of them, shall not be laid out or made through the field or inclosures of any person or persons whomsoever, with-

Sharp's ferry on Broad river.

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out his, her or their consent and approbation ; which said road or roads, after they shall have been so laid out and made, shall be deemed and taken as a public highway, and the inhabitants shall be liable to work thereon, as on other public highways.

Part of former
Act repealed.

XVII. *And be it enacted* by the authority aforesaid, That so much of an Act, passed the twentieth day of December, in the year of our Lord one thousand eight hundred and ten, entitled "An Act for establishing certain roads, bridges and ferries ; and for other purposes therein mentioned," which is repugnant to and repeals so much of an Act entitled "An Act to establish certain roads, bridges and ferries ; and for other purposes therein mentioned," passed the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, empowering and permitting Samuel Maner to lay out and open, at his own expense, a road through his land above his field, and when approved by certain persons therein mentioned, should be the public road, instead of the road through the fields of the said Samuel Maner, shall be, and the same is hereby, repealed.

Turkey Creek
to be made na-
vigable.

XVIII. *And be it enacted* by the authority aforesaid, That John B. Black, David Leech, jr., and Joseph Brown, jr., be, and they are hereby appointed, commissioners for opening and making navigable Turkey Creek. And said commissioners are hereby authorized and empowered to call out the inhabitants of that part of said creek, which lies between its mouth and where it is intersected by the Charleston road, and one mile from the creek, on each side, to work on the same, not exceeding twelve days in each year, for the term of three years ; and that the said inhabitants shall be excused from working on the public roads during the abovementioned term.

Commissioners
to lay out
roads.

XIX. *And be it enacted* by the authority aforesaid, That the commissioners of roads and bridges in the several districts and parishes of this State, shall have power, within their respective districts, to lay out, open and keep in repair, such new road or roads as may appear to be absolutely necessary for public and general convenience.

Dunlap and
Caston autho-
rized to keep
piazzas on the
street.

XX. *And be it enacted* by the authority aforesaid, That Samuel Dunlap and Wilkes Caston, be, and they are hereby, authorized to keep up the piazzas of their respective houses, in the town of Lancaster, during the time the present houses shall remain ; any law to the contrary thereof in any wise notwithstanding. And that the said Samuel Dunlap and Wilkes Caston shall not be in any manner liable to any forfeiture or penalty for continuing the said piazzas on the streets of the said town.

Coxe's ferry on
Waccamaw.

XXI. *And be it further enacted*, That Coxe's ferry, on Waccamaw river, be, and the same is hereby, re-established ; and vested in the said Coxe, his heirs and assigns, for fourteen years ; with a right to the same rates of ferriage heretofore allowed. And that the commissioners of the roads for Kingston, do cause to be worked on and kept in order, the road leading from the west side of Coxe's ferry, to the nearest part of the road leading from Conwayborough to Bull Creek.

Road to be laid
out on S. Edisto,
from John-
son's bridge to
Augusta.

XXII. *And be it enacted* by the authority aforesaid, That James Woodward, John Blalock, Simon Cushman, and — Mosely, be, and they are hereby appointed, commissioners, to lay out and open a road from Johnson's bridge, on South Edisto, by the Pole Cat Ponds, the nearest and best way, to Augusta ; and that all the hands living within five miles of said road, shall be liable to work on the same.

XXIII. *And be it further enacted*, That the upper Johnson's bridge, on Edisto river, be discontinued as a toll bridge.

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XXIV. *And be it enacted* by the authority aforesaid, That no person shall be liable to pay toll or ferriage for passing any bridge or ferry established by this Act or any other Act, when going to or returning from divine service on the Sabbath day. Who exempt.

XXV. *And be it enacted* by the authority aforesaid; That John Smith, of Marion District, have leave to continue a piazza on the public square at the said court house; any law, usage or custom to the contrary notwithstanding. Piazza may be kept on public square.

XXVI. *And be it further enacted* by the authority aforesaid, That Jesse Howell, Moses Dukes, Thomas Whitaker, and John Bowen, be appointed commissioners to examine and report to the next Legislature, the practicability of laying out a shorter and more direct road between the towns of Columbia and Camden. Comm'rs to report respecting a road to Camden.

XXVII. *And be it further enacted* by the authority aforesaid, That the ferry over the Wateree river, called Chesnut's ferry, be re-established for the term of fourteen years; and vested in the proprietor of the lands, with the same rates as heretofore established. Chesnut's ferry on Wateree, re-established.

XXVIII. *Whereas*, Worthington Gale, of the State of Georgia, hath petitioned the Legislature, praying that he may be permitted to erect a Steam-boat, for the purpose of conveying passengers between the city of Savannah and the town of Beaufort and the city of Charleston, in this State; and will engage to open certain canals, which will be particularly beneficial to all the coasters and small craft which ply between the said places. *And whereas*, the said undertaking will be attended with great expense to the said Worthington Gale, and conduce greatly to the convenience of the citizens of this State. *And whereas*, it is just and reasonable that enterprising citizens who engage in works of such general utility, should have granted to them every privilege, not inconsistent with the established rights of the community. *Be it therefore enacted* by the authority aforesaid; That the said Worthington Gale, his heirs, executors, administrators or assigns, shall be, and he is hereby, vested with the exclusive privilege of running such steamboats as he may build or erect, between the city of Savannah and the towns of Beaufort and Charleston, in this State, for the term of fifteen years; and also, the exclusive privilege of navigating, for the same length of time, any canal or canals which he may dig or open. *Provided, nevertheless*, that such exclusion shall only extend to such boat or boats as may transport passengers between the aforesaid places. Privileges granted to W. Gale.

XXIX. *And be it further enacted* by the authority aforesaid, That the said Worthington Gale, his assigns, heirs, executors or administrators, shall be allowed until the first day of January, eighteen hundred and fourteen, to carry the aforesaid scheme into execution. Time allowed to Gale.

XXX. *And be it further enacted* by the authority aforesaid; That the ferry formerly known by the name of Compt's ferry, be re-established, in the name of Henry McGowen, his heirs and assigns, for the term of fourteen years; and be allowed to receive the same rates of ferriage as have been heretofore received at said ferry. McGowen's ferry.

XXXI. *And be it enacted* by the authority aforesaid, That Elizabeth B. E. B. Lester, Lestargette, or her heirs, in whose right the bridge over North Edisto, at the town of Orangeburgh, shall keep the said bridge and causeway in good repair. E. B. Lester, gette to keep bridge in repair.

XXXII. *And be it further enacted* by the authority aforesaid, That there shall be a board of commissioners in that part of the parish of Saint Philip;

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Board of commissioners for St. Philips.

lying and being without the limits and jurisdiction of the city of Charleston, in addition to the one now appointed by an Act of the Legislature of this State; which board of commissioners shall consist of five, and be elected in the same manner as is by law provided for the election of commissioners of the poor; and the said commissioners shall have the charge and controul over all such public roads, streets and bridges, within the said parish, as is not now intrusted to the care of the other boards of commissioners.

Their powers, &c.

XXXIII. *And be it further enacted* by the authority aforesaid, That the said board of commissioners shall have the same powers, and be subject to the same duties and penalties, as other commissioners of the roads are, with the exception only, of the right of compelling the attendance of overseers, male slaves or any other persons, without due compensation, to work on said roads; but in lieu thereof, they shall be, and they are hereby, authorized and required to assess all the real and personal property within the said part of the parish aforesaid, in any sum not exceeding ten per cent on the amount of the general tax paid thereon; and also, to compel the payment of the same to any person or persons whom they may appoint, in such manner as is at present provided to enforce the payment of fines and assessments imposed by commissioners of the roads. *Provided, also,* that no construction shall be put upon this Act depriving the board of commissioners heretofore appointed, from exercising the duties of their office, or of exacting and applying the funds heretofore vested in them, in such manner as the law or laws, under which they now act, may direct.

Lynch's Creek to be opened.

XXXIV. *And be it further enacted,* That the Act, passed in the year one thousand seven hundred and ninety-two, for keeping Big Lynch's Creek open for the passage of fish, shall extend up the said creek as far as Jonh Massey's mill, and no farther.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*JOHN GEDDES, *Speaker of the House of Representatives.*

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No. 1996.

AN ACT DISCONTINUING THE PUBLIC ROAD LEADING OVER THE CAUSEWAY AT AND PASSING THROUGH WILLTOWN; AND ESTABLISHING AS A PUBLIC ROAD, THE ROAD LEADING BY OLD BLACK MINGO FERRY; AND FOR REVIVING AN ORDINANCE, PASSED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY, FOR LAYING OPEN THE NAVIGATION OF BLACK MINGO CREEK.

WHEREAS, by a report of commissioners appointed to examine the premises and report thereon, it is recommended, for divers good and sufficient reasons therein contained, that the public road leading over the causeway at and passing through Black Mingo or Willtown, should be discontinued; and the road leading by and over old Black Mingo ferry, be confirmed and established as a public road; and that the Ordinance, passed in the year one thousand seven hundred and ninety, for working on and laying open said creek, be, with certain exceptions, revived.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That from and after the passing of this Act, the road leading over the causeway at and passing through Black Mingo or Willtown, be, and hereby is, discontinued as a public road; and the road passing over Black Mingo Creek, at the old ferry, below Black Mingo or Willtown, be, and hereby is, established as a public road, and to be worked on as such. And the commissioners of the roads of Williamsburgh and Winyaw districts, be, and hereby are, authorized to build, at the joint expense of the two districts aforesaid, a good and sufficient bridge over Black Mingo Creek, at and over the old Black Mingo Ferry. *Provided, always*, that the said bridge be so constructed as to leave and afford a full, safe and sufficient passage, above and below and beyond said bridge, to all rafts and unmasted boats, flats or other craft.

II. *And be it further enacted* by the authority aforesaid, That an Ordinance, passed in the year one thousand seven hundred and ninety, obliging the male inhabitants, from the age of sixteen to fifty years, to work on and lay open the navigation of Black Mingo Creek, be, and hereby is, revived, with the exceptions and amendments following, to wit:—all the male inhabitants, from the age of sixteen to fifty years, residing not exceeding ten, instead of twenty, miles from Black Mingo, who make use of the said creek to send produce to market, and who are not compelled by law to work on any other water course, shall be liable to work on the same. And the persons herein named, viz. John James, Thomas M'Connell, Lovelace Gasque, John Dozier, Francis Green, John Bossard and Aaron Gasque, be, and hereby are appointed, commissioners, in lieu of those named in the second section of the aforesaid Ordinance, to carry the same into effect.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

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No. 2040. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Ferry over
Wappoo Cut.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a ferry shall be established on and over Wappoo Cut, between the Main and James Island, in the parish of St. Andrew's, and be vested in John Lembaker, his heirs and assigns, for the term of seven years; and that the following rates of ferriage; and no more, shall be taken thereat, to wit:—for every foot passenger, six and a quarter cents; for every man and horse, twelve and a half cents; for every led horse, six and a quarter cents; for every cartage, with two wheels, horse and driver, twenty-five cents; for every four wheeled carriage, horses and driver, fifty cents; and for every head of sheep, goats or hogs, four cents.

Newman's ferry
on Lynch's
creek.

II. *And be it enacted* by the authority aforesaid, That the ferry on Lynch's creek, commonly called Jonathan Newman's ferry, shall be, and the same is hereby, re-established, and vested in the said Jonathan Newman, his heirs and assigns, for the term of seven years; and that the same rates of ferriage shall be taken and received thereat, as were authorized to be taken and received, by an Act passed in the year eighteen hundred and five, establishing certain roads, bridges and ferries.

Ashley ferry
re-established.

III. *And be it enacted* by the authority aforesaid, That the ferry heretofore established over Ashley river, and vested in Sarah Frazer, shall be, and the same is hereby, re-established, and vested in the said Sarah Frazer, her heirs and assigns, for the term of seven years. *Provided*, the said Sarah Frazer do at all times keep in good and sufficient repair the causeway attached to the said ferry, and be subject to the same emoluments, penalties and restrictions as heretofore established by law.

Tate's ferry
vested in T.
Dare.

IV. *And be it enacted* by the authority aforesaid, That the ferry heretofore established and vested in William Tate, and the term of which is now expired, be re-established, and vested in Thomas Dare, his heirs and assigns, for the term of seven years; and that the said Thomas Dare shall receive thereat the same emoluments, and be under and subject to the same restrictions, as the said William Tate did receive and was subject to.

Road.

V. *And be it enacted* by the authority aforesaid, That the road upon the Island of St. Helena, commonly called the Sea-side road, running in a parallel direction with the South-east side of the said Island, shall be, and the same is hereby, established and declared to be a public road and highway.

Comm'rs. to
examine road.

VI. *And whereas*, many parts of the Sea-side road, on the Island of St. Helena, established by this Act, have been altered by the proprietors of the lands through which it runs, making the length of the same considerably more than it was originally. *Be it enacted* by the authority aforesaid, That John Jenkins, Junior, Benjamin Jenkins, Joseph Pope, Peter Perry, Junior, and John Frupp, Junior, be, and they are hereby, authorized and required to examine the said road, and make such alteration thereto as they, or any three of them, shall, in their judgment, deem necessary. *Provided, however*, that the width of the said road shall not exceed eighteen feet.

Dubose's ferry,
over Lynch's
creek.

VII. *And be it enacted* by the authority aforesaid, That the ferry on Lynch's creek, commonly called Dubose's ferry, and the term of which establishment is now expired, shall be re-established, and vested in Elias

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Dubose, his heirs and assigns, for the term of seven years; and that the same rates of ferriage, and no more, shall be taken thereat, as was allowed to be taken by the Act of seventeen hundred and ninety-eight, first establishing said ferry.

VIII. *And be it enacted* by the authority aforesaid, That the road in the district of Lancaster, which was first opened, running in the neighborhood of M'Corpen's creek and Little Sugar creek, and which leads to Harrisburgh, shall be, and the same is hereby declared to be, a public road and highway, and to be kept in repair by those immediately in its neighborhood.

Road.

IX. *And be it enacted* by the authority aforesaid, That five hundred and eight yards from the junction formed by the Indian Town road and the Post road from Witherspoon's ferry, on Lynch's creek, in the district of Williamsburgh, along down and on the road leading by Loveless Gasque's plantation, a new road shall be laid out, cut and kept in repair, in the most direct and best way, from the said stage road leading by the said Loveless Gasque's to and across Black Mingo bridge, where the old ferry was established.

Road.

X. *And be it enacted* by the authority aforesaid, That the said new road above authorized to be laid out, shall be cut and opened at the sole expense of Thomas Williams, Senior, of said district, planter; and that the public road which at present runs through his plantation, shall be continued a public road and open until the new road herein authorized to be opened at the sole expense of the said Thomas Williams shall be received by the commissioners of roads, bridges and ferries, in and for the district of Williamsburgh, aforesaid; and whenever the new road aforesaid shall be received by the board of commissioners aforesaid, the said old road leading by and through the plantation of the said Thomas Williams, Sen., shall cease to be a public road.

Road.

XI. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, established at the plantation of Robert English, over the Wateree river, for the term of seven years; and that the same be vested in the said Robert English, his heirs and assigns; and that the following rates of ferriage for crossing at the said ferry, and no more, shall be taken thereat, to wit:—for every foot passenger, six and a quarter cents; for every man and horse or mule, twelve and a half cents; for every two wheeled carriage, horse and driver, fifty cents; for every four wheeled carriage, horses and drivers, one hundred cents; for every led horse, six and a quarter cents; and for every head of cattle, sheep, goats or hogs, four cents. And during the times of freshes, or whenever the Lakes on the Sumter side of the said river are impassable, it shall be the duty of the said Robert English, during the term aforesaid, to ferry over the said Lakes all persons or description of property above mentioned; and that he shall receive therefor two thirds per cent of the rates allowed by this Act to be taken, respectively, for the ferriage of persons or property over the ferry hereby established on the said river. And that the road at present used from said ferry, on the Sumter side, be deemed and taken a public road.

English's ferry,
on Wateree.

XII. *And be it enacted* by the authority aforesaid, That the ferry on Santee river, formerly known by the name of Gilliard's ferry, but now called Pinckney's, shall be re-established, and vested in Charles Pinckney, his heirs and assigns, for the term of seven years; and that the same rates

Pinckney's ferry
on Santee.

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of ferriage, and no more, shall be taken and received thereat, as are now by law permitted to be received at the same.

Part of an Act
repealed.

XIII. *And be it enacted* by the authority aforesaid, That the second clause of an Act entitled "An Act to establish certain roads, bridges and ferries, and for certain purposes therein mentioned," which authorizes and directs certain commissioners therein mentioned to lay out and continue a road through the plantation of Francis Simmons, shall be, and the same is hereby, repealed. *Provided*, that the said Francis Simmons shall, previous to the first day of February next, open, or cause to be opened, at his own expense, that part of the Bobicket road leading down to the Haulover Cut, freeing the same from all obstructions whatever, except a good and sufficient gate, which shall be approved of by the commissioners of roads and bridges for St. John's Colleton; and the said commissioners are hereby required to see that the said above mentioned clause be carried into execution, and to receive and keep in repair the said road as a public road, when it shall be opened as aforesaid. And in case the said Francis Simmons should not comply with the above stipulation, on or before the first day of February next, then the commissioners shall be, and they are hereby, required to carry into effect and execution the above clause hereinbefore conditionally repealed.

Comm'rs.
appointed for
Gilesborough.

XIV. *And be it further enacted* by the authority aforesaid, That Chesley Daniel, John Smith and John McLean, shall be, and they are hereby appointed, commissioners, and shall be styled commissioners of the streets and public square of Gilesborough, in the district of Marion, with power and authority to open the streets of the said village, and prevent any building or other encroachments, of whatever nature or description, upon the public square of the said Borough.

No person to
build on public
square in Giles-
borough.

XV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall hereafter build upon, or make any other encroachment, of what nature or kind soever, on the said public square, or on or in any of the streets in the said Gilesborough, he, she or they so offending, for every such offence, shall forfeit and pay twenty dollars, to be paid over to the said commissioners above mentioned, or their successors in office, who shall apply the same towards making good the said streets in the said Borough, or for the establishing and continuing a school or academy in the said Borough, as in the discretion of the said commissioners, or their successors in office, it shall be most meet and proper.

Number of
comm'rs. to be
three.

XVI. *And be it enacted* by the authority aforesaid, That the number of the said commissioners shall be three, and whenever any vacancy happens in the said board of commissioners, either by death, resignation or otherwise, the vacancy shall be filled up by the joint ballot of the remaining commissioners; and upon every balloting by said commissioners to fill up any vacancy in their number, the person or persons having the greatest number of votes shall be declared duly elected.

Rates of
Mason's ferry
altered.

XVII. *And be it enacted* by the authority aforesaid, That James Mason, who has lately become the purchaser of the ferry lately belonging to Dr. John Allison, and which ferry is now by law established in the said James Mason, shall, in lieu of the ferriage now authorized to be taken for the ferrying of four wheeled carriages, and a man and horse, at said ferry, take, for every wagon and team, seventy-five cents; for every other four wheeled carriage, horses and driver, fifty cents; and for every man and horse that may be transported over such ferry, eight cents.

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XVIII. *And be it further enacted* by the authority aforesaid That a toll bridge in St. George's parish, formerly known by the name Muckenfuss's toll bridge, and vested in the said George Much term of years, which is now expired, shall be re-established, and Stephen Miaus, his heirs and assigns, for the term of twenty years, and that the said Stephen Minus, his heirs and assigns, shall receive the same rates of toll thereat, as by law were authorized to be taken said George Muckenfuss, his heirs and assigns.

XIX. *And be it further enacted* by the authority aforesaid, That a ferry shall be, and is hereby, established on Black river; in the district of Williamsburgh, and vested in John Hickson, his heirs and assigns, for the term of seven years; and that the same rates of ferriage, and no more, shall be taken thereat, as are by law allowed to be taken and received at North's ferry, on the said river.

XX. *And be it enacted* by the authority aforesaid, That the two public roads in the district of Williamsburgh, one of which is half a mile in length, which runs from the road from Kingston to Georgetown, and joins the road from Willtown to Georgetown, a little below the said Willtown, and the other road which runs from the said road half a mile in length across the road from Willtown to Georgetown, to the road leading from the ferry across Black Mingo creek to Georgetown, shall, and they are hereby declared to, be discontinued; any law, usage or custom to the contrary notwithstanding.

XXI. *And be it enacted* by the authority aforesaid, That a public ferry shall be, and is hereby, authorized to be established on Welch Lake creek, in the district of Marion; and that the same be vested in Francis Graves, his heirs and assigns, for the term of seven years; and that the following rates of ferriage, and no more, shall be taken or allowed, to wit:—for horse and rider, six and one fourth cents; for every led horse, four cents; for every head of cattle, sheep, goats, hogs or other stock, two cents; for every two wheeled carriage, twenty-five cents; for every four wheeled carriage, except loaded wagons, fifty cents; for every loaded wagon, fifty cents; for every foot passenger, three cents; and the same rates to be received at this ferry as is received at Port's ferry, when it is long ferry.

XXII. *And be it enacted* by the authority aforesaid, That James M. Grier, Nathan Gasque, Loveless Gasque, John Dozier, Benjamin Britton and David Wilson, Junior, shall be, and they are hereby appointed, commissioners for the purpose of erecting, establishing and completing a bridge over Black Mingo creek, or causing the same to be done, at the place on said creek commonly called Black Mingo ferry; three of whom shall be resident in Prince George Winyaw, and three in the district of Williamsburgh, vested with all the powers, and subject to all the penalties, which the commissioners of the roads are by law now vested with and subject to; and the said commissioners are, moreover, authorized and empowered, if they shall deem it expedient and necessary, to levy and collect, or cause the same to be done, a tax on all slaves in the said Prince George Winyaw and Williamsburgh districts, as may be necessary to erect and complete the said bridge.

XXIII. *And whereas*, the Legislature of this State did, by an Act, direct that the board of commissioners of the cross roads and streets, and other roads not under the jurisdiction of the other board of commissioners with- in that part of the parish of St. Philip's lying and being without the jurisdiction of the city of Charleston, should be elected in the same manner as

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is by law provided for the election of the commissioners of the poor. *Be it therefore enacted* by the authority aforesaid, That commissioners to fill the same shall be elected at the time of every general election; which election shall be managed and conducted by the persons conducting the said general election, at the Tobacco Inspection, or at any other place within that part of the parish of St. Philip's aforesaid, that may be designated as the place for holding the same; and the commissioners so elected shall continue in office until the expiration of two years from the time of their election, or until other commissioners should be elected in their place; and in case of any vacancy by death or otherwise, such vacancy shall be filled up by the board so elected, in such manner as they may deem expedient, either by ordering an election by ballot, or otherwise.

Nuisances to
be prevented or
removed.

XXIV. And *whereas*, various petitions from the inhabitants and land holders in that part of the parish of St. Philip's, lying and being without the jurisdiction of the city of Charleston, have petitioned the Legislature for the removal of Butcher Pens and other nuisances, from within the same. And *whereas*, it is necessary and expedient to define the acts and offences that may be termed nuisances therein, to the end that such provisions as shall hereafter be made for their removal and prevention, may be attended with as little litigation and vexation as possible. *Be it therefore enacted* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That within that part of the parish of St. Philip's, lying and being without the jurisdiction of the city of Charleston aforesaid, all buildings or enclosures, for the purpose of slaughtering cattle, calves, sheep, goats or hogs, that shall be now or hereafter so constructed as to expose to public view, or to the view of any public or private house, the transactions therein, so as to annoy or offend the proprietors of or residents therein, or so conducted as by the uncleanness and stench thereof to produce a like and similar effect; all shooting at marks or birds, or for any other idle purpose, on any of the public roads or streets, or in any other situation, so as to endanger the lives or property of individuals therein, either by frightening their horses, or otherwise; all shuffle boards, or other species of gambling, that shall be kept open and in use on Sundays; all horse racing along the public roads or streets; all stagnant or deleterious pools or bodies of water; all injuries done to the public roads, either by obstructing the water courses or otherwise; and all other offensive acts or things that now are, or hereafter may be deemed fineable by law, shall be, and the same are hereby declared, nuisances, and shall be removed or punished, as is hereafter to be provided for.

Comm'rs.
when to meet.

XXV. And *be it enacted* by the authority aforesaid, That from and after the first day of January next, the board of commissioners that now are, or hereafter may be elected, shall meet, at any proper place to be appointed by them, at least once in every month, but as much oftener, as they may deem expedient, and shall make enquiry of any of the nuisances before enumerated, and receive such information as may be offered to them; and on being satisfied of their existence, or of the existence of any or either of them, they shall then direct, by their joint warrant or warrants of a majority of them, a fine, not exceeding twenty dollars for each offence, or for the continuation of any offence for more than five days after the first fine shall have been imposed, and due notice thereof been given, to be sued for and recovered before any magistrate within that part of the parish of St. Philip's aforesaid; and if there should not be any

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magistrate residing therein, then before any magistrate within the joint parishes of St. Philip's and St. Michael's.

XXVI. *And be it further enacted* by the authority aforesaid, That all fines and forfeitures inflicted and to be recovered by virtue of this Act, and all other funds which are by law provided for keeping in repair the public roads within the State, the labour of male inhabitants only excepted, together with an assessment of any sum not exceeding ten per cent on the general tax upon property within the same, to be collected at the same time and in the same manner as the general tax is collected, and immediately paid over to the chairman of the board of commissioners, or to any other person duly authorized by them to receive the same, or such part of the vendue tax, or tax for theatrical licenses, for any persons selling by auctions, or performers acting thereip, the same is hereby vested in the board of commissioners that now is or hereafter may be elected agreeably to the provisions of this Act, to be applied by them exclusively for the purpose of amending and keeping in repair the said cross roads or streets, or such other roads or streets as are not now under the jurisdiction of any other board of commissioners within that part of the parish of St. Philip's aforesaid.

Money to be
paid over to
Comm'rs.

XXVII. *Whereas*, by an Act of the Legislature of this State, regulating toll bridges and ferries, the owners and keepers of the same are liable to a fine for detaining passengers. *And whereas*, in times of freshets the distance between the landing on the North and South side of Murray's ferry and Lenud's ferry is so great, that it is impossible for one ferryman to attend on both sides of the swamp. *Be it therefore enacted* by the authority aforesaid, That all white persons necessarily employed in and about the said ferry, be, and they are hereby declared to be, entitled to all the privileges and exemptions which now are or hereafter may be allowed to the keepers of ferries.

Privileges
granted at
Murray and
Lenud's ferries.

XXVIII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the several boards of commissioners for opening the navigation of Broad and Pacolet rivers, and their successors in office, shall be, and they are hereby, authorized and required to call out to work on the said rivers, all persons and slaves who are now liable to work on public roads, who reside within one mile of the said rivers, who shall be notified in the same manner as persons are notified to work on the public roads; and all who shall fail or neglect, after being so notified, to work on the said rivers, or to send their slaves, who are hereby made liable to work thereon, shall be liable to the same fines and penalties as are now by law inflicted on persons who fail or neglect to work on the public roads, and shall be recovered in the same manner as fines are now recovered for neglecting to work on the public roads. *Provided, however*, that no person or slave shall be liable to work more than six days in the year, on either of the said rivers.

Broad and Pa-
colet rivers to
be worked on.

XXIX. *Whereas*, sundry inhabitants of Chesterfield district have petitioned the Legislature for permission to open the navigation of Thomson's creek. *Be it therefore enacted* by the authority aforesaid, That all persons who may consider themselves interested in the navigation of the said creek, be, and they are hereby, authorized and empowered to remove any obstructions in the said creek, from the mouth of the said creek as far up as the junction of Indian creek with the said Thomson's creek.

Thompson's
creek to be
worked on.

XXX. *And be it further enacted* by the authority aforesaid, That if any person or persons shall, after the passing of this Act, fall trees in, or in

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No person to
fell trees in said
creek.

any manner obstruct the navigation of the said creek, within the distance above mentioned, he, she or they shall, for every such offence, forfeit and pay the sum of fifteen dollars, to be recovered before any justice of the peace or quorum of the said district of Chesterfield; one half to go to the informer who shall sue for and recover the same, and the other half to be appropriated to the navigation of the said creek.

Comm'rs. ap-
pointed.

XXXI. *And be it further enacted* by the authority aforesaid, That Thomas Powe, Senior, Elisha Parker and Alexander M'Queen, be, and they are hereby appointed, commissioners to receive all fines which may be collected for obstructing the navigation of the said creek, and to dispose of the same for the purposes above mentioned.

Former Acts
repealed.

XXXII. *And be it further enacted* by the authority aforesaid, That all Acts heretofore passed respecting the said creek, and which are repugnant to this Act, be, and the same are hereby, repealed.

Persons ex-
empt from toll.

XXXIII. *And be it enacted* by the authority aforesaid, That the members of both branches of the Legislature, coming to or returning from the Legislature; all ministers of the gospel, and all other persons going to attend and returning from divine service, on the Sabbath day; all persons necessarily attending on patrol or militia duty, be, and they are hereby, exempted from paying any ferriage, toll or duty for passing or re-passing any of the ferries or bridges established by law.

Persons ex-
empt from toll
during the war.

XXXIV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, it shall be the duty of all owners of ferries or toll bridges within this State, to pass and ferry over all soldiers, either of this State, or of the United States, during the present war, free of toll or ferriage. And every owner of any such toll bridge or ferry, who shall refuse to comply with the requisites of this clause, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered by any person suing for the same.

Upper Three
Runs may be
opened.

XXXV. *And be it further enacted* by the authority aforesaid, That the proprietors of lands contiguous to the Upper Three Runs, in Barnwell district, who may be so disposed, shall and may cause the said Upper Three Runs to be made navigable, from the mouth thereof to the mouth of Tinker's creek, by means of dams, locks, canals or slopes, or otherwise, by clearing the obstructions now in the way, or in such other manner as they shall deem most proper.

Locks to be
made in said
Three Runs.

XXXVI. *And be it further enacted* by the authority aforesaid, That the proprietors of any mills now or hereafter to be erected, shall cause sufficient locks, canals or slopes to be erected in the several mill dams now or hereafter to be erected or constructed upon the said Three Runs, so as to admit the free navigation thereof.

Penalty for not
making locks.

XXXVII. *And be it further enacted* by the authority aforesaid, That any proprietor of any mill or mills, now erected or constructed upon the said Three Runs, who shall refuse or neglect to cause such canals, locks or slopes to be erected and constructed, within twelve months after the passing this Act, shall, upon conviction, forfeit and pay one thousand dollars for each and every year such canals, locks or slopes are neglected or refused to be made; one half to go to the informer, and the other half to be appropriated for the purpose of keeping the said Runs navigable.

Penalty for ob-
structions.

XXXVIII. *And be it further enacted* by the authority aforesaid, That every person who shall be convicted of obstructing the navigation of the said Three Runs, by throwing trees therein, or by any other way or means whatsoever, shall forfeit and pay the sum of ten dollars for each and every

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obstruction so made, to be recovered before any justice of the quorum or justice of the peace, one half to go to the informer, the other half to be appropriated for the purpose of keeping the said Run navigable.

XXXIX. *And be it further enacted* by the authority aforesaid, That Isaac Bush, Lewis Weathersby and Stephen Roberts, are hereby appointed commissioners for opening the navigation of the said Upper Three Runs, and for receiving all fines and forfeitures, and for appropriating the same, arising under this Act. Comm'rs. appointed.

XL. *And be it further enacted* by the authority aforesaid, That on the first Monday and Tuesday in March next after the passing of this Act, between the hours of ten in the morning and two in the afternoon, all persons in the election district of Christ Church, constitutionally qualified to vote for members of the State Legislature, shall choose by ballot, the same number of commissioners of the high roads, bridges and ferries, as has been usually appointed for the same. And that the managers appointed to conduct the elections for members of the Legislature, be, and they are hereby appointed, managers to conduct the aforesaid election; and that they hold the said election, on the first day above mentioned, at the Presbyterian Church and at Wappetaw, and on the second day, at the Episcopal Church in the said parish. Comm'rs. of roads elected.

XLI. *And be it further enacted* by the authority aforesaid, That John E. Cookrey, Benjamin P. West, James Densen, Junior, William Plowden, William Montgomery, William Doughty, William Humphreys, Jeremiah Rhames, Charles Richardson, John G. Davis, Charles Lesene and John Wells, be, and they are hereby appointed, commissioners of the high roads, in addition to the number allowed by law, for Clarendon election district. Comm'rs. appointed.

XLII. *And be it further enacted* by the authority aforesaid, That the toll bridge in the parish of St. George Dorchester, known by the name of Slann's bridge, the establishment of which will expire this session of the Legislature, be, and the same is hereby, re-established, and vested in Barbary Chandless, (widow of John Chandless, deceased,) her heirs and assigns, for the term of twenty-one years; and that the same rates of toll, and no more, be taken and received at the same, as was allowed by an Act of the Legislature, passed the twentieth day of December, Anno Domini one thousand eight hundred and six, and which said Act vested the said establishment in the said John Chandless, deceased. Slann's bridge vested in B. Chandless.

XLIII. *And be it enacted* by the authority aforesaid, That the ferry over the Catawba river, in the district of York, commonly called Thorn and Drennan's ferry, the term of which is now expired, shall be, and the same is hereby, re-established, and vested in Hezekiah Thorn, his heirs and assigns, for the term of seven years:—for every man and horse, ten cents; for every foot passenger, six and a quarter cents; and in all other cases, the same ferriage as has been heretofore fixed by law. Thorn's ferry, over Catawba river.

XLIV. *And be it enacted* by the authority aforesaid, That the toll bridge over Enoree river, in Newberry district, the term of which establishment is expired, shall be re-established, and vested in John Henderson, his heirs and assigns, for the term of seven years; and that the same rates of toll, and no more, be received at the said bridge, as by law has been heretofore authorized to be received. Henderson's bridge, over Enoree river.

XLV. *And be it enacted* by the authority aforesaid, That the ferry over Broad river, in Union district, commonly called M'Cool's ferry, the term of which establishment is expired, shall be re-established, and vested in Charles Shelton Sims, his heirs and assigns, for the term of seven years; M'Cool's ferry, on Broad river.

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and that the following rates of ferriage, and no more, be taken and received thereat, to wit :—for every foot passenger, six and a quarter cents; for every led horse, six and a quarter cents; for every man and horse, twelve and a half cents; for every carriage with two wheels, horse and rider, twenty-five cents; for every four wheeled carriage, horses and driver, fifty cents; for every hogshead of tobacco, horse and driver, twenty-five cents; and for every head of black cattle, sheep, goats or hogs, four cents.

Chiles's ferry,
on Saluda
river.

XLVI. *And be it enacted* by the authority aforesaid, That the ferry over Saluda river, in Laurens district, commonly called Chiles's ferry, the term of which is now expired, shall be re-established, and vested in Judith Chiles, her heirs and assigns, for the term of seven years; and that the following rates of ferriage, and no more, be taken thereat, to wit :—for every foot passenger, three cents; for every led horse, three cents; for every man and horse, six and a quarter cents; for every two wheeled carriage, twenty-five cents; for every four wheeled carriage, horses and driver, fifty cents; for every hogshead of tobacco, horse and driver, twelve and a half cents; for every head of black cattle, sheep, goats or hogs, one cent.

M'Callum's
ferry vested in
P. Dubose.

XLVII. *And be it enacted* by the authority aforesaid, That the ferry over Lynch's creek, commonly called M'Callum's ferry, the term of which is now expired, shall be re-established, and vested in Peter Dubose, his heirs and assigns, for the term of seven years; and that the same rates of ferriage, and no more, be taken and received at the same, as was by law allowed to be taken and received during its establishment in the said Mr. M'Callum.

Mar's Bluff
ferry vested in
J. Gibson.

XLVIII. *And be it enacted* by the authority aforesaid, That the ferry on Great Peedee river, at Mar's Bluff, commonly called Mar's Bluff ferry, the term of which is now expired, be re-established, and vested in John Gibson, his heirs and assigns, for the term of seven years; and that the following rates of ferriage, and no more, be taken and received thereat, to wit :—for every man and horse, twelve and a half cents; for every single horse, six and a quarter cents; for every foot passenger, six and a quarter cents; for a chair and horse, and one person, twenty-five cents; for a cart and horse, and one passenger, fifty cents; for a four wheel carriage, horses and two passengers, one hundred cents; for a wagon, four horses and two passengers, one hundred cents; for each head of cattle, six and a quarter cents; for each head of sheep, hogs or goats, four cents; for each head of turkies, two cents—and when long ferry, for each horse, thirty-seven and a half cents; for each passenger, twenty-five cents; for each chair or cart, thirty-seven and a half cents; for each four wheel carriage or wagon, seventy-five cents.

When and
where comm'rs.
are to meet.

XLIX. *And be it enacted* by the authority aforesaid, That the board of commissioners of roads and bridges in the parish of St. Paul, shall hereafter hold their meetings on the second Monday in January in every year, at Captain Thomas Milichamp's muster field, and on the fourth Monday in May in every year, at Captain Perry's muster field, instead of the times and places now appointed by law for their meetings; any law, usage or custom to the contrary hereof notwithstanding.

Survey to be
made from
Granby to
Augusta.

L. *And whereas*, petitions were presented from sundry citizens of the districts of Edgefield, Lexington and Orangeburgh, at the last session of the Legislature, stating the great and serious inconvenience which they are subject to, from the want of a road leading the most direct way, from

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Granby to Augusta, in Georgia. *Be it therefore enacted* by the authority aforesaid, That John Blalock, Thomas Morris, John P. Bond, William Williamson and Benjamin Buzbey, be, and they are hereby appointed, commissioners, to survey, ascertain and report to the Legislature, at their next session, the most direct route from Granby to Augusta; and that they declare in said report, the difference in the distance between the present established road and the one so to be surveyed.

LI. *And be it enacted* by the authority aforesaid, That a toll bridge shall be, and is hereby, established over Saluda river, at the place on the said river where a ferry called Stanton's ferry was kept; and that the said toll bridge be vested in the said Christopher Stanton, his heirs and assigns, for and during the term of fourteen years; and that the following, and no greater, rates of toll shall be taken and received at the said toll bridge, to wit:—for every loaded wagon, thirty-seven and a half cents; for every empty wagon, twenty-five cents; for every stage or riding chair, horse and driver, eighteen and three quarter cents; for every man and horse, six and a quarter cents; for every cart and horse, eighteen and three quarter cents; for every rolling hogshead, horse and driver, eighteen and three quarter cents; for every foot passenger, three cents; for every led horse, three cents; and for every head of cattle, hogs, sheep or goats, one cent.

Stanton's ferry,
over Saluda.

LII. *Be it further enacted*, That hereafter, it shall not be lawful to exact from the citizens of this State, nor shall any of them be compelled to pay, any toll for crossing any ferry within the limits of this State, or for the crossing of their horses, cattle or other property, at any such ferry, when the boat or boats, flat or flats, kept at said ferry, is or are not used by them for said purpose.

Ferriage not to
be paid when
ferry boats are
not used.

LIII. *Whereas*, Henry Shultz and Lewis Cooper, at great expense and trouble, are erecting a bridge over Savannah river, extending from this State to the town of Augusta, in the State of Georgia, which will tend in a high degree, not only to expedite travelling and accommodate the good citizens of this State with a way to convey their surplus produce to a ready and convenient market, but will also be eminently calculated to facilitate the transportation of troops and the munitions of war, (a circumstance so highly desirable at this eventful period,) by being situated on the great road of communication between this State, the State of Georgia, and the Western and Southern sections of the United States. The Legislature of this State, highly impressed with a sense of the importance of such an establishment, and being desirous that the same should be carried into effect, *Be it therefore enacted* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Henry Shultz and Lewis Cooper are hereby empowered, at their own expense, to build or cause to be built, a toll bridge over Savannah river, extending from this State to the town of Augusta, in the State of Georgia; and that the same be vested in the said Henry Shultz and Lewis Cooper, their heirs and assigns, for and during the term of twenty-one years; and that the following rates of toll, and no more, shall be taken and received at the same, to wit:—for every wagon and team, and other four wheeled carriage, with horses and driver, seventy-five cents; for every two wheeled carriage, with horse and driver, thirty-seven and half cents; for every hogshead of tobacco, horse and driver, twenty-five cents; for every man and horse, twelve and half cents; for every foot passenger, six and quarter cents; for every horse or cow beast,

Bridge to be
built over Sa-
vannah river,
at Augusta.

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each six and quarter cents; and for every head of sheep, goats or hogs, four cents. *Provided, however,* that should the said Henry Shultz and Lewis Cooper, their heirs and assigns, fail in completing the said bridge within twelve months from and after the passing of this Act, or if any accident should happen to the said bridge hereafter, so as to render it impassable, and the said Henry Shultz and Lewis Cooper, their heirs or assigns, should not repair the same within two years from the time of such accident happening, then and in that case, the charter hereby granted shall be null and void.

Privilege extended above and below said bridge.

LIV. *And be it enacted* by the authority aforesaid, That no person or persons shall build or cause to be built a bridge, keep or cause to be kept, a ferry or other convenience for crossing the said Savannah river, (except for their own use,) between Campbleton, above the said bridge hereby contemplated to be erected, and the Sand Bar, or Fort Moore, below the same, under the penalty of five thousand dollars for every such trespass, to be recovered by action of debt, in any court having jurisdiction thereof.

Waters's ferry, over Saluda river.

LV. *And be it enacted* by the authority aforesaid, That the ferry over Saluda river, called Waters's ferry, the term of which is expired, shall be re-established, and vested in Philemon Waters, his heirs and assigns, for the term of seven years; and that the same rates of ferriage shall be taken and received at the same, as were by law heretofore allowed to be taken and received.

Herron and Spiatt's ferry, over Catawba river.

LVI. *And be it further enacted* by the authority aforesaid, That the ferry hitherto established at the plantations of Thomas Spiatt and Daniel Sturges, on the Catawba river, be, and the same is hereby, re-established, and vested in Andrew Herron and James Spiatt, their heirs and assigns, for and during the term of seven years; and the same rates of ferriage hitherto allowed by law, may be taken and received by the said Andrew Herron and James Spiatt.

Lee's ferry, on Saluda river.

LVII. *And be it further enacted* by the authority aforesaid, That the ferry across Saluda river, known by the name of Lee's ferry, and hitherto established and vested in Andrew Lee, be, and the same is hereby, vested in John W. Lee, his heirs and assigns, for and during the term of seven years; and it shall and may be lawful for the said John W. Lee to receive the same rates of ferriage as has been heretofore allowed by law.

Lyles's ferry, on Broad river.

LVIII. *And whereas*, Ephraim Lyles hath petitioned the Legislature of this State to establish and vest in him a ferry, at his residence in Chester district, across Broad river. *Be it therefore enacted* by the authority aforesaid, That the ferry be, and the same is hereby, established, and vested in the said Ephraim Lyles, his heirs and assigns, at his residence aforesaid, for and during the term of seven years; and it shall and may be lawful for the said Ephraim Lyles to receive the following rates of ferriage, to wit:—for every loaded wagon and team, seventy-five cents; for every empty wagon and team, fifty cents; for every other four wheeled carriage, fifty cents; for every chair and cart, twenty-five cents; for every rolling hogshead of tobacco and horses, twenty-five cents; for every man and horse, twelve and an half cents; for every led horse or foot passenger, six and one fourth cents; for every head of black cattle, two cents; for every head of hogs or sheep, one cent.

Road.

LIX. *Whereas*, in the year one thousand eight hundred and nine, Isaac Tucker, John Hopkins and Joel Adams, were appointed commissioners, with power and authority to lay out and open a public road from Howell's mill on Mill creek, the nearest and best way, to pass through

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Minervaville, to Tom's creek bridge, but in consequence of the said commissioners having refused to act, the said road has not been opened. *Be it therefore enacted* by the authority aforesaid, That the commissioners of the roads and bridges of Richland district, be, and they are hereby, authorized and directed to lay out and open the said road from Howell's mill, on Mill creek aforesaid, the nearest and best way, to pass through Minervaville, to Tom's creek bridge.

LX. *Whereas*, the interest of individuals ought to be regarded, where it is not incompatible with public good. And *whereas*, the road which leads from the road which divides the plantations of John Singleton and John W. Reese, Esquires, to the main public road, and from thence immediately by the house of the said John Singleton, is found not to be productive of public benefit, but is accompanied with much private injury to the property and plantations of the said John Singleton, by running through some very valuable and rich lands. To remedy the same, *Be it enacted* by the authority aforesaid, That the road laid out by the board of commissioners of roads and bridges in Sumter district, leading from the road agreed upon by the said John Singleton and Hubbard Reese, deceased, commonly called the dividing road between the plantations of the said John Singleton and those late of the said Hubbard Reese, deceased, to the main public road, be, and the same is hereby, discontinued. Road discontinued.

LXI. *And be it enacted* by the authority aforesaid, That that part of the road which leads from the main public road, running an East course, immediately through the plantation of the said John Singleton, and immediately by his dwelling house, which lies between the said main public road and the forks of the roads leading to Bell's mills, on Brunson's swamp, and the mill of the said John Singleton on Cow Branch, be, and the same is hereby, discontinued; any law, usage or custom to the contrary thereof notwithstanding. Road discontinued.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Sovereignty and Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A.D. 1814.

Acts relating to Roads, Bridges and Ferries.

No. 2057. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the toll bridge over Black river, in Williamsburgh district, the term of years for which establishment is expired, shall be re-established, and vested in Robert Lowry, his heirs and assigns, for the term of seven years; and that the same rates of toll, and no more, be taken and received at the said bridge, as were by law heretofore authorized to be received.

Lowry's bridge
on Black river.

II. *And be it enacted* by the authority aforesaid, That the ferry over the Congaree river, known by the name of M'Cord's ferry, the term of years for which the same was established is about to expire, shall be re-established, and vested in the heirs of the late John Paul Thompson, deceased, for the term of fourteen years; and that the same rates of ferriage be taken and received at the same, as were heretofore allowed by law.

M'Cord's ferry,
re-established.

III. *And whereas*, Doctor Raoul has been at considerable expense in building bridges over certain Lakes which run through the road which leads to the said ferry, and has prayed the Legislature to make it the duty of the commissioners of the roads to keep the said bridges in repair. *Be it therefore enacted* by the authority aforesaid, That the said bridges over the said Lakes shall be kept in repair by the board of commissioners of roads and bridges in whose jurisdiction they shall be. *Provided* the said commissioners shall not be required to rebuild or repair any bridge built over said Lakes that may have been removed by freshets, or so injured as to require more time for the repair thereof than in the opinion of the commissioners they can with propriety appropriate to such repairs within the time now allowed by law for working on public roads.

Bridge to be
kept in repair.

IV. *And be it enacted* by the authority aforesaid, That the ferry over Drowning creek, in Marion district, the term of which establishment has expired, be re-established, and vested in John Newsom, his heirs and assigns, for the term of seven years; and that the same rates of ferriage, and no more, shall be taken thereat, as were heretofore allowed by law to be taken.

Newsom's ferry,
over Drowning
creek.

V. *And be it enacted* by the authority aforesaid, That the toll bridge over Little Peedee, in Marion district, commonly known by the name of Barfield's mills, the term of which establishment has expired, be re-established, and vested in John Newsom, his heirs and assigns, for the term of fourteen years; and that the same rates of toll, and no more, shall be taken thereat, as were heretofore allowed by law to be taken.

Newsom's
bridge on Little
Peedee.

VI. *And be it enacted* by the authority aforesaid, That the ferry on Savannah river, in the district of Barnwell, known by the name of Burton's ferry, shall be re-established, and vested in Bartlett Brown, his heirs and assigns, for seven years; and that the following rates of ferriage, and no more, be taken at the same, to wit:—for every man and horse, twelve and a half cents; for every carriage with two wheels, thirty-seven and a half cents; for every carriage with four wheels, seventy-five cents; for every led horse, six and a quarter cents; for every foot passenger, six and a quarter cents; and for every head of cattle, sheep, goats or hogs, four cents.

Burton's ferry,
over Savannah
river.

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VII. *And be it enacted* by the authority aforesaid, That the toll bridge over Little Peedee, in Marion district, commonly called Harrelson's bridge, the term of which establishment has expired, be re-established, and vested in Isaac Lewis, his heirs and assigns, for the term of fourteen years; and that the same rates of toll be taken thereat, as were heretofore allowed by law. Harrelson's bridge on Little Peedee.

VIII. *And be it further enacted* by the authority aforesaid, That the bridge on Edisto river, called Holman's bridge, the term of which establishment has expired, be re-established, and vested in John Holman, his heirs and assigns, for the term of fourteen years; and that the same rates of toll be taken thereat, as were heretofore allowed by law. Holman's bridge, on Edisto river. *Provided*, that all persons in the neighborhood of the said bridge, going to and returning from the church, the mill or Blacksmith shop, be, and the same are hereby, exempted from the toll thereof.

IX. *And be it enacted* by the authority aforesaid, That the toll bridge over Black river, in Williamsburgh district, called Mouzon's bridge, the term of which establishment has expired, shall be re-established, and vested in Susannah Mouzon, and the heirs of the late Henry Mouzon, deceased, their heirs and assigns, for the term of fourteen years; and that the same rates of toll, and no more, shall be received as were heretofore allowed by law to be taken and received. Mouzon's bridge, on Black river.

X. *And be it enacted* by the authority aforesaid, That John Beck is hereby authorized and permitted to build a public toll bridge across Savannah river, at or near the ferry on the said river belonging to and vested in the said Beck; and that the said bridge, when built, shall be vested in the said John Beck, his heirs and assigns, for the term of fifty years; and that the same rates of toll, and no more, shall be received at the said bridge, as are allowed and received at the bridge at Augusta; *provided*, that the said John Beck do, at all times when his causeway is inundated, provide a suitable conveyance to the next high land. *And provided also*, that the said John Beck shall either build the said bridge sufficiently high to permit the passage of boats and rafts under it, or shall keep a proper draw for that purpose. *And provided also*, that the said John Beck shall complete the same in seven years from the passing of this Act. Beck's bridge, on Savannah river.

XI. *And whereas*, the said John Beck hath been at considerable expense in laying out and keeping in repair a road from the Charleston road to his said ferry, two miles in length, through a deep swamp near one quarter of a mile in length, with two bridges across the same in the said swamp, one hundred and sixty feet long; as a compensation for his said trouble, *Be it enacted* by the authority aforesaid, That the said two bridges built across the said road in the said swamp, shall be, and they are hereby declared to be, public toll bridges, and vested in the said John Beck, his heirs and assigns, for and during the continuance of the term last aforesaid; and that for passing the two said last mentioned bridges across the said road in the said swamp, the following, and no greater, rates of toll shall be received, to wit:—for every carriage with four wheels, twenty-five cents; for every carriage with two wheels, twelve and one half cents; for every man and horse, six and one quarter cents; for every led horse, three cents; and for every head of cattle, sheep, goats or hogs, three cents. Two bridges in a certain swamp vested in said Beck.

XII. *And be it enacted* by the authority aforesaid, That the ferry on Broad river, commonly called Pearson's ferry, the term of which establishment has expired, shall be re-established, and vested in John Morris, his heirs and assigns, for the term of seven years; and that the rates of Pearson's ferry over Broad river.

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ferriage, and no more, be received at said ferry, as are allowed and received at Ashford, on Broad river.

Howel's ferry,
over Broad
river.

XIII. *And be it enacted* by the authority aforesaid, That the ferry on Broad river, commonly called Howel's ferry, the term of which establishment has expired, shall be re-established, and vested in Williamson Howel, his heirs and assigns, for the term of seven years; and that the following rates of ferriage, and no more, shall be taken at said ferry, to wit:—for every carriage with four wheels, fifty cents; for every carriage with two wheels, twenty-five cents; for every man and horse, twelve and one half cents; for every led horse, six and one quarter cents; for every foot passenger, six and one quarter cents; and for every head of cattle, sheep, goats or hogs, two cents; for every hogshead of tobacco, horses and driver, twenty-five cents.

Ruff's ferry,
on Broad river.

XIV. *And be it enacted* by the authority aforesaid, That the ferry on Broad river, belonging to George Ruff, the term of which establishment is now expired, shall be re-established, and vested in George Ruff, his heirs and assigns, for the term of seven years; and that the same rates of ferriage shall be taken and received at the same, as were heretofore allowed by law to be taken.

M'Clanahan's
ferry over Ca-
tawba river.

XV. *And be it enacted* by the authority aforesaid, That the ferry on Catawba river, called M'Clanahan's ferry, the term of which establishment has expired, shall be re-established, and vested in Finny M'Clanahan, his heirs and assigns, for the term of seven years; and that the following rates of ferriage be taken, to wit:—every wagon, horses and driver, seventy-five cents; four wheel carriage, horses and driver, fifty cents; cart and other two wheel carriage, horses and driver, twenty-five cents; man and horse, twelve and a half; led horse, six and a quarter; foot passenger, six and a quarter cents; for every head of black cattle, sheep, goats or hogs, three cents.

Columbia ferry
re-established.

XVI. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established over the Congaree river, from the extremity of Senate-street, be, and the same is hereby, re-established; and the profits arising therefrom be equally divided, one half to be vested in the trustees of the Columbia Academy, for the benefit of that institution, and the other half in Henry P. Hampton, the only surviving son of Richard Hampton, deceased, for the term of seven years; and that the rates of ferriage shall be the same as are established at the ferry known by the name of Hampton's ferry, at Granby, over the said river.

Part of former
Act repealed.

XVII. *And be it enacted* by the authority aforesaid, That the nineteenth and twentieth clauses in the Act entitled "An Act to establish certain roads, bridges and ferries, therein mentioned," passed the nineteenth day of December, eighteen hundred and nine, shall be, and the same is hereby, repealed. And that the public road which passes over the upper bridge, on Cedar creek, which was discontinued by the said law, shall be, and the same is hereby declared to be, a highway and public road; any law to the contrary notwithstanding.

Part of former
Act repealed.

XVIII. *And be it enacted* by the authority aforesaid, That certain clauses in the Act establishing certain roads, bridges and ferries, passed at the last session of the Legislature, directing and ordering certain roads then running through the plantation of John Singleton, for the benefit of John W. Rees, to be shut and closed, be, and the same are hereby, repealed. And the commissioners of the roads for Claremont county are hereby

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directed to put the parties, Rees and Singleton, in the same situation that they were before the passing of that Act.

XIX. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, there shall be two boards of commissioners in Richland district, one in the upper and another in the lower battalion of militia in said district; and that Nathan Center, Jesse P. Taylor, Alexander McDonald and Brutus Howard, be, and they are hereby appointed, commissioners of roads and bridges in the upper battalion of militia in said district; and that David Myers, Samuel Scott and Frederick Lykes, be, and they are hereby appointed, a board of commissioners of roads and bridges in the lower battalion of militia in the district aforesaid; any law or usage to the contrary notwithstanding.

Comm'rs. appointed for Richland district.

XX. *And be it enacted* by the authority aforesaid, That the commissioners of roads and bridges in each of the boards aforesaid, shall be, and they are hereby, vested with all the powers, and subject to all the duties and penalties, which commissioners of roads and bridges are entitled or made liable to by law.

Their duties and powers.

XXI. *And be it enacted* by the authority aforesaid, That Benjamin Seabrook, Ephraim Mickle, Daniel Townsend, Gabriel Seabrook and John C. Mickell, or a majority of them, shall be, and they are hereby appointed, commissioners, with power and authority to lay out and open a road between John Mickell and John Patterson, to wit:—on the line between said Mickell and Patterson, from the corner path on the main road of Edisto, until it reaches the creek or fording-over place; after crossing the creek, then on the line between the said Mickell and Doctor Mitchell, until it meets the Sands on Little Edisto; then on the edge of said Sands and high lands, where no tide can interrupt said road, until it meets the plantation of Joseph Jenkins; the same to be a public road for the inhabitants of Little Edisto Island.

Road.

XXII. *And be it enacted* by the authority aforesaid, That the public road which runs from Hooping Island unto the public road on Edisto Island, shall be, and the same is hereby, discontinued.

Road.

XXIII. *And be it enacted* by the authority aforesaid, That the ferry on Black river, commonly called Potatoe ferry, the term of which establishment has expired, shall be re-established, and vested in Thomas Skrine, his heirs and assigns, for the term of seven years; and that the following rates of ferriage, and no more, shall be taken at said ferry, to wit:—for every four wheeled carriage, fifty cents; for every carriage with two wheels, twenty-five cents; for every man and horse, six and one quarter cents; for every led horse, two cents; for every foot passenger, two cents; for every head of cattle, sheep, goats or hogs, two cents; and for every hogshead of tobacco, twenty-five cents.

Potatoe ferry re-established.

XXIV. *And be it enacted* by the authority aforesaid, That the ferry of Thomas Chappell, deceased, over Saluda river, be re-established, and vested in the heirs of said Thomas Chappell, deceased, for the term of seven years; and also, that the following rates of ferriage be received at the said ferry, and no more, to wit:—for every four wheeled carriage or wagon, fifty cents; for every two wheeled carriage, with horse or horses, and driver or drivers, twenty-five cents; for every sheep, goat or hog, two cents; for every head of neat cattle, three cents; for every horse, three cents; for every foot passenger, three cents; for every passenger on horse-back, six and one quarter cents; and for every hogshead of tobacco, with horses and driver, twenty-five cents.

Chappell's ferry, on Saluda river.

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Comm'rs. when
to meet. XXV. *And be it further enacted*, That in future, the board of commissioners of Prince William's parish, shall meet on the second Mondays in August and April.

How assess-
ments are to be
made. XXVI. *And be it further enacted* by the authority aforesaid, That in future all assessments to be made by the commissioners of the high roads and bridges throughout this State, for the building or repairing of bridges or causeways, or repairing of roads, shall be assessed on the principles of the general tax; any law, usage or custom to the contrary notwithstanding.

Penalty for tak-
ing unlawful
toll. XXVII. *Be it enacted* by the authority aforesaid, That any ferryman, person or persons, owning or keeping any toll bridge or ferry, who shall receive greater toll or ferriage than is allowed by law, shall forfeit and pay the sum of five dollars, to be recovered before any justice of the peace; one half of which sum shall go to the informer, and the other half to the use of the poor of the district or parish in which such sum is recovered.

Higgin's ferry,
over Saluda
river. XXVIII. *And be it enacted* by the authority aforesaid, That the ferry on Saluda river, commonly called Higgins's ferry, the term of which establishment has expired, shall be re-established, and that the same, on the North side of said river, be vested in Francis Higgins, his heirs and assigns, for and during the term of seven years; and that the said ferry on the South side of said river, be vested in Azariah Abney, his heirs and assigns, for the like term; and that the following rates of ferriage, and no more, shall be taken at said ferry, to wit:—for every wagon and team, or other four wheeled carriage, fifty cents; for every two wheeled carriage, twenty-five cents; for every rolling hoghead of tobacco, twenty-five cents; for every man and horse, six and one quarter cents; for each foot passenger or led horse, three cents; and for each head of cattle, sheep, goats or hogs, two cents.

Survey to be
made from
Granby to
Augusta. XXIX. *Whereas*, the Legislature did, at their last session, enact that certain commissioners should be and were appointed, to survey, ascertain, and report to the Legislature, at their present sitting, the most direct route from Granby to Augusta, in Georgia; and that they should declare in said report, the difference in the distance between the present established road and the one to be surveyed. *And whereas*, the said commissioners have neglected or refused so to do. *Be it therefore enacted*, That William Williamson, Hezekiah Allman, William Washington, William Benjamin Busbee and Charles Goodwin, be appointed commissioners in their room for the said purpose; and that they, or a majority, do make their report at the next session of the Legislature.

Comm'rs. when
to meet. XXX. *And be it further enacted*, That the board of commissioners for Saint Luke's parish, shall hereafter held their meetings on the third Monday in January and July.

Road discon-
tinued. XXXI. *And be it enacted*, That the road in the parish of Saint Luke's, called the Honey Hill road, and leading from the Euhaw settlement to the Sisters ferry, be, and the same is hereby, constituted a public road.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

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A. D. 1815.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES, No. 2072.
THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Watts, Thomas Davis, William Wilkes, Asa Darby, and Newman McCallum, be, and they are hereby appointed, commissioners to lay off a road from Chester Court House to Lyles's ferry, on Broad river; which road shall run as follows. From Chester Court House, along the Pinckney road, to John Pinchback's Creek; thence along the old Pinckney road, between the plantation of the said Pinchback and Thomas Davis, to where it intersects the present Pinckney road; and from thence, the nearest and best way, to the said Lyles's ferry. And that all the male inhabitants within two miles of said road, now bound to work on public roads, shall be liable to work on the said road. Commissioners appointed to lay out road.

II. *Whereas*, John Gordon and John Spring have purchased the ferry on Cooper river, called Clement's ferry; and the term for which the said ferry was established will shortly expire. *Be it therefore enacted* by the authority aforesaid, That the said ferry be, and the same is hereby, re-established; and vested in the said John Gordon and John Spring, their heirs and assigns, for the term of fourteen years. And that the same rates of toll shall be taken and received thereat, as are now allowed by law. Clement's ferry re-established.

III. And *whereas*, James Crawford has purchased the ferry on Pee Dee river, called Cashway's, in Marlborough district; and the term for which said ferry was established will shortly expire. *Be it therefore enacted* by the authority aforesaid, That the said ferry be, and the same is hereby, re-established; and vested in the said James Crawford, his heirs and assigns, for the term of fourteen years. And that the same rates of toll shall be taken and received thereat, as are allowed by law to be taken and received at Pouncy's ferry, on the said river, and no other or greater. Cashway's ferry, on Pee-dee, re-established.

IV. *And be it enacted* by the authority aforesaid, That Combahee ferry be, and the same is hereby, re-established; and vested in John Ulmer and Mary E. Sharp, executor and executrix of the late Mary Gowen, deceased, their heirs and assigns, for the use and benefit of the children of the late William K. Gowen, deceased, for the term of seven years. And that the following rates and toll be received. For every foot passenger, six and a quarter cents; for every man and horse, twelve and a half cents; for every carriage with two wheels, twenty-five cents; for every carriage with four, fifty cents; for every led horse, six and a quarter cents; for every head of cattle, goats, sheep or hogs, three cents; and that a slip to be put down on the landing place on the north-east side of the river, and kept in such condition as to make it safe for travellers. And also, that one hundred yards of the causeway immediately contiguous to high-water mark, be also kept in good and sufficient repair during the term granted. Combahee ferry re-established.

V. And *whereas*, the term for which the ferry on Ashpoo river, at the village of Ashpoo, otherwise called Edmundsberry, vested in Phineas Pierson, deceased, will expire during the present session of the Legislature. *Be it therefore enacted* by the authority aforesaid, That the said ferry be, and the same is hereby, re-established; and vested in Catharine Pierson, John Edward Pierson, and Sarah Pierson, the widow, son and daughter of the said Phineas Pierson, their heirs and assigns, for the use and benefit of themselves and the other legal heirs of the said Phineas Pierson, for the Ferry on Ashpoo re-established.

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term of fourteen years. And that the same rates of toll be taken and received thereat, as heretofore allowed by law.

J. & T. Moor-
man's ferry on
Broad river. VI. *And be it further enacted* by the authority aforesaid, That the ferry on Broad river, called Crosby's ferry, near the Fish Dam Ford, and now the property of James Moorman and Thomas Moorman, be, and the same is hereby, re-established; and vested in the said James Moorman and Thomas Moorman, their heirs and assigns, for the term of seven years. And that the rates of toll at the said ferry shall be the same as is already provided by law. *Provided, however,* that nothing herein contained shall be construed so as to prevent Spelsby Glenn from keeping a ferry at the same place on the opposite or western bank of the said river.

Glenn's ferry
on Broad river. VII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established at the old ferry, near the Fish Dam Ford, on Broad river, called Crosby's ferry; and vested in Spelsby Glenn, his heirs and assigns, for the term of seven years. And that the same rates of toll shall be taken and received thereat, as is, at present, allowed by law to be received at the said ferry. *Provided,* that nothing herein contained shall be so construed as to prevent James Moorman and Thomas Moorman from keeping a ferry at the same place on the opposite or eastern bank of the said river.

No bridge or
ferry to be kept
between Camp-
bellton and the
Augusta
bridge. VIII. *Whereas,* by an Act of the Legislature, passed the 19th day of December, 1801, a bridge is established on the South Carolina side of Savannah, at Campbellton; and vested in Leroy Hammond and William Garrett. And by the said Act it is provided, that until the said bridge be built, they are authorized to keep a ferry thereat. And *whereas,* it is provided by the said Act, that no bridge or ferry shall be established within three miles of the said bridge, above, on this side of the said river, omitting to provide against the establishment of a bridge or ferry below the same. *Be it therefore enacted,* That no bridge or ferry shall be established or kept for public use on the South Carolina side of the said river, between the place where the Augusta bridge now stands, and the bridge or ferry established by the Act aforesaid, unless by the consent of the proprietor or proprietors of the same.

J. D. Witherspoon's ferry
on Lynch's
Creek. IX. *And be it enacted* by the authority aforesaid, That the ferry on Lynch's Creek, called and known by the name of Witherspoon's ferry, be, and the same is hereby, re-established; and vested in J. D. Witherspoon, executor of John Witherspoon, deceased, his heirs and assigns, for the term of fourteen years, in trust for and for the sole use and benefit of the incorporated Presbyterian Church of Aimwell, on Pee Dee river, in conformity to the last will and testament of the said John Witherspoon, deceased.

Gain's bridge
on Saluda. X. *And be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a bridge across Saluda river, at the plantation of Jonadab Gain, in Abbeville district, by the said Jonadab Gain, shall be, and the same is hereby, established; and vested in the said Jonadab Gain, his heirs and assigns, for the term of fourteen years. And that no other bridge or ferry shall be established during the term aforesaid, within three miles below, and ten miles above, the said bridge. *Provided,* that such distance shall not interfere with or destroy a bridge now building up said river, by Edmund Ware, so as to prevent the execution of the same. And that the following, and no other, rates of toll shall be taken and received thereat, to wit:—for every wagon and team, or other four

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wheeled carriage, including horses, drivers and passengers, fifty cents; for every cart, chair or other two wheeled carriage, including horses, passengers and drivers, twenty-five cents; for every man and horse, six and a quarter cents; for every head of cattle, sheep, goats or hogs, two cents; for every foot passenger, three cents; for every led horse, three cents; for every rolling hogshead of tobacco, horses and driver, twenty-five cents.

XI. *Whereas*, the term for which Vance's ferry, on Santee river, was established, will shortly expire. *Be it therefore further enacted* by the authority aforesaid, That the said ferry be, and the same is hereby, re-established, and vested in William Vance, his heirs and assigns, for the further term of fourteen years. And that the same rates of toll be taken and received thereat as heretofore. Vance's ferry on Santee.

XII. *And be it further enacted* by the authority aforesaid, That the two ferries at Conwayborough, belonging to the heirs of the late Thomas Crowson, deceased, be, and they are hereby, re-established, and vested in the heirs of the said Thomas Crowson, for the term of fourteen years. Ferries at Conwayborough, in whom vested. And that the same rates of toll be taken and received thereat, as is already provided by law.

XIII. *Whereas*, the commissioners of the roads, bridges and ferries, for Clarendon county, have petitioned the Legislature, praying that two separate boards of commissioners may be authorized by law, and the county so divided as to assign to each a separate jurisdiction. *Be it therefore enacted* by the authority aforesaid, That for the purposes aforesaid, the county of Clarendon be, and the same is hereby declared to be, divided in the manner following, to wit:—beginning at the county line nearest the plantation of Phineas Gibson, deceased; thence to Michael Blackwell's, thence to Capt. Duke's, thence to General Sumter's old mill, on Potatoe Creek; thence to Cuddoe's Lake, on Santee, near Thomas Bosher's place. And that there shall be in each of those divisions, a board of commissioners of roads, bridges and ferries, to consist of eleven members. And that the members of the board living on the different sides of the aforesaid line of separation, shall constitute a board, and shall have power to elect additional members to make up the number required by this Act, if there should be any deficiency. Two boards of comm'rs. for Clarendon.

XIV. *Whereas*, Larkin Gains and James Graham have, at their joint labor and expense, built and erected a bridge across Saluda river; and the said Larkin Gains has since disposed and sold his interest in the said bridge and the adjoining soil, to William Smith, who hath petitioned the Legislature that the said bridge may be established by law. *Be it therefore enacted* by the authority aforesaid, That the said bridge be, and the same is hereby, established; and vested, jointly, in the said William Smith and James Graham, their heirs and assigns, for the term of fourteen years. Smith & Graham's bridge on Saluda. And that the following, and no other, rates of toll be taken and received thereat, to wit:—for every four wheeled carriage or wagon and team, with drivers, fifty cents; for every cart, chair or other two wheeled carriage and drivers, twenty-five cents; for every man and horse, six and a quarter cents; for every foot passenger, three cents; and for every head of cattle, sheep, hogs or goats, two cents; for every led horse, three cents; for every rolling hogshead, horses and driver, twenty-five cents. And that no bridge or ferry be established or kept for public use, within three miles below or three miles above the said bridge.

XV. *And be it enacted* by the authority aforesaid, That from and
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Ashley, in
whom vested.

immediately after the passing of this Act, a ferry be, and is hereby, established across Ashley river, at or near the place where a bridge was lately erected by the Charleston Bridge Company; and vested in the said Charleston Bridge Company, their heirs, successors and assigns, for the term of twenty years.

Where com-
missioners are
to meet.

XVI. *And be it enacted* by the authority aforesaid, That the board of commissioners of roads, bridges and ferries, of the lower division of Saint Bartholomew's parish, shall, hereafter, meet to transact the business of the board, at such place as a majority of the said commissioners shall, from time to time, appoint and agree on; any law, usage or custom to the contrary notwithstanding.

Comm'rs. for
Marlborough,
when to meet.

XVII. *And be it further enacted* by the authority aforesaid, That the board of commissioners of the roads and bridges for the district of Marlborough, shall be, and they are hereby, authorized to sit and hold their meetings on the first Monday in May, in each and every year, instead of the first Monday in April, as now required by law; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Byrd's ferry on
Lynch's creek.

XVIII. *And be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, that a ferry be, and the same is hereby, established at Benbow's landing, on Lynch's Creek, and vested in Sutton Byrd, his heirs and assigns, for the term of seven years. And that the same rates of toll be taken and received thereat, as are provided by law to be taken and received at Dubose's ferry, on the said creek. And the commissioners of the roads, bridges and ferries of Salem County, be, and they are hereby, authorized and required to lay out, make and keep in repair, a public road, the most approved and convenient way, from Alexander's mills to Benbow's landing aforesaid.

Birch's ferry
on Peedee.

XIX. *And be it enacted* by the authority aforesaid, That the ferry on Great Peedee river, now belonging to Joseph Birch, the term for which the same was established having now expired, be, and the same is hereby, re-established, and vested in the said Joseph Birch, his heirs and assigns, for the term of seven years. And that the same rates of toll be taken thereat, as are heretofore provided by law to be taken thereat.

Davis's ferry
on Peedee.

XX. *And be it enacted* by the authority aforesaid, That the ferry on Peedee river, called Port's ferry, the term for which the same was established having expired, be, and the same is hereby, re-established, and vested in Joseph Davis and others, the devisees of Thomas Port, for the term of seven years. And that the same rates of toll be taken and received thereat, as are, at present, allowed by law to be taken and received at the said ferry.

Line of stages
between
Georgetown &
Charleston.

XXI. *Whereas*, Elias Jones has purchased the line of Stages from Charleston to Georgetown, which was established and vested in James W. Cotton, the term of which establishment has expired. *Be it therefore enacted* by the authority aforesaid, That the sole and exclusive right and privileges of running a line of stages between Charleston and Georgetown, be, and the same is hereby, vested in the said Elias Jones, his heirs and assigns, for the term of seven years. And that he shall be entitled to the same privileges and immunities, and liable to the same pains, penalties and forfeitures, as are provided by the Act vesting the same in the said James W. Cotton, as fully and effectually, to all intents and purposes, as if the said Act was here again repeated and set down.

XXII. *And be it enacted* by the authority aforesaid, That a ferry be, and the same is hereby, established at the plantation of Richard Godfrey,

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on Peedee river, in Marion District, and vested in the said Richard Godfrey, his heirs and assigns, for the term of seven years. And that the following rates of toll, and no others, shall be taken and received thereat, to wit. For ferriage at low water—for each man and horse, twelve and half cents; each led horse, six and quarter cents; each head of cattle, three cents; each head of sheep, goats and hogs, two cents; each foot person, six and quarter cents; each wagon and team, seventy-five cents; each horse and chair, twenty-five cents; each horse and cart, thirty-seven and one-half cents. For ferriage to the upper landing—for each horse and rider, eighteen and three quarters cents; each led horse, six and a quarter cents; each foot person, six and a quarter cents; each horse and chair, thirty-seven and a half cents; each horse and cart, fifty cents; and each wagon and team, one dollar. For ferriage at long ferry—for each horse and rider, fifty cents; each horse and chair, sixty-two and a half cents; each cart and team, seventy-five cents; each wagon and team, one dollar and fifty cents; each foot person, eighteen and three quarter cents; each led horse, twenty-five cents.

Godfrey's ferry
on Peedee.

XXIII. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for the secretaries or clerks of the several boards of commissioners of the roads, bridges and ferries of the several districts and parishes in this State, to grant a permit or license under his hand and seal, to any person or persons to keep a tavern or retail spirits, during the recess of the sittings of their respective boards; which permit or license shall remain in force until the next meeting of the said board respectively. *Provided, however,* that the person or persons applying for the said permit or license, shall give bond and security in the penalty of four hundred dollars, payable to the said board of commissioners, that he will, at the next regular meeting of the board of commissioners for the parish or district where the application shall be made, make application to the said board for a license for one year, to take date from the time of his first application; and shall also, at the time of such application, pay to the said clerk or secretary, a sum that shall be equal to the rates of a license for the year for the time the said permit shall be in force. And that all Acts and clauses or parts of Acts repugnant to this clause, be, and the same are hereby, repealed.

Tavern license
may be granted
during recess
of board of
comm'rs.

XXIV. *And be it enacted* by the authority aforesaid, That James Chappell, Samuel Patterson, Robert Ogilvie, and John McLemore, be, and they are hereby appointed, commissioners of roads for the district of Richland, in addition to those already appointed, for the lower battalion of said district. And that James Wade, Joseph Stanton, and Wade Hampton, jr., be, and they are hereby appointed, commissioners of roads, in addition to those already appointed, for the upper battalion of the district aforesaid.

Commissioners
of roads for
Richland.

XXV. *And be it enacted* by the authority aforesaid, That the road leading from Orangeburgh, by Johnson's bridge, to Barnwell Court House, be so altered as to run on the road lately opened, and running below William Baylie's mill, on Robert Swamp; and that so much of the old road as passes through the upper part of the said Baylie's mill-pond, be discontinued.

Road to Barn-
well court
house altered.

XXVI. *And be it further enacted* by the authority aforesaid, That on the first day of October next, the office of the present board of commissioners of roads for the district of Chesterfield, shall determine and be vacated.

Office of com-
missioners,
when vacated.

XXVII. *And be it further enacted* by the authority aforesaid, That the

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to be made.

managers of the general elections for Chesterfield district, on the second Monday and Tuesday in October next, and on the second Monday and Tuesday in every fourth year thereafter, shall open a poll for the election of such number of commissioners of roads as are now by law authorized in the district of Chesterfield. Every person having a right to vote for members of the Legislature of said district, shall have a right to vote for such commissioners of the roads. And the said commissioners so elected, shall hold their said offices for four years. And in case of a vacancy happening in the said board of commissioners by death, resignation or removal from the said district, of any one or more of the said commissioners, within the term for which he or they shall be elected as aforesaid, the said board of commissioners established by this Act shall be, and they are hereby, authorized and empowered to fill up such vacancy, until the next general election for commissioners for the said district; and that all Acts and parts and clauses of Acts repugnant to this Act, be, and are hereby, repealed.

Comm'rs of
roads, when to
meet.

XXVIII. *Be it further enacted* by the authority aforesaid, That the commissioners of roads, bridges and ferries, for the parishes of Saint Thomas and Saint Dennis, be, and they are hereby, authorized and empowered to sit and meet on the first Monday in November of every year, instead of the first Monday in August, as they are now required by law; any law, usage or custom to the contrary notwithstanding.

Number of
comm'rs for St.
John's Berk-
ley, increased.

XXIX. *And be it enacted* by the authority aforesaid, That the board of commissioners of roads, bridges and ferries, for the parish of Saint John's Berkley, shall, hereafter, consist of seventeen members, to be increased to that number by election of the present board, in the manner provided by law. And that the said board shall hereafter meet at Black Oak, on the first Monday in January, and at Biggin Church, on the second Monday in June, in each and every year; any usage, custom or law to the contrary notwithstanding.

Who liable to
do road duty.

XXX. *Whereas*, doubts exist with the board of commissioners of roads, bridges and ferries, for the parish of Saint John's Berkley, whether negroes owned by the inhabitants of said parish, and others leasing land therein, navigating the Santee Canal and Cooper river, are liable to road duty in common with other laborers in said parish. *Be it therefore enacted* by the authority aforesaid, That all male slaves, between the ages of sixteen and fifty years, employed in navigating the Santee Canal and Cooper river, in the said parish, and owned by the inhabitants owning land in the said parish, or by persons leasing land therein, be, and they are hereby, made liable to the same road duty as other laborers in the said parish.

Cypress cause-
way, in whom
vested.

XXXI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the causeway and toll bridge across the Cypress Swamp, on the road from Orangeburgh to Charleston, be, and the same is hereby, vested in David Samuel Wescott, Harriet Murrell, and Thomas Hatchet, in behalf of his wife Rachael, for the term of five years; and from and after the expiration of that term, the same be vested in Philip Millhouse and Sarah Caroline Millhouse, for the like term of five years.

XXXII. *And be it further enacted* by the authority aforesaid, That at the expiration of the term for which the said causeway and bridge is vested in the said David Samuel Wescott, Harriet Murrell, and Thomas Hatchet, they shall deliver up the same to the said Philip Millhouse and Sarah Caroline Millhouse, in the same order and repair in which it now is, and in default thereof, they shall forfeit a sum of five hundred dollars; to be recovered by action of debt, by the said Philip Millhouse and Sarah Caroline

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Millhouse, for their own use, in any court of competent jurisdiction in this State.

XXXIII. *And be it further enacted* by the authority aforesaid, That Hugh Wilson and William Price be, and they are hereby, authorized to keep possession of the two half acre lots on James Island, on which they have built houses, until the further pleasure of the Legislature be expressed, or the Governor and Commander-in-chief shall think proper to remove them.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; AND No. 2124.
FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the road formerly laid out in St. Bartholomew's parish, leading from the main Augusta road, near Skull's swamp; thence across Island creek and Jones's swamp, until it intersects the public road, near Doctor's creek, shall be, and the same is hereby, re-established; and such a proportion as the commissioners shall think necessary, of the hands that worked on the said road before the board of commissioners for Saint Bartholomew's was divided, shall hereafter continue to work on and keep the said road in repair.

II. *And be it further enacted* by the authority aforesaid, That a ferry over Savannah river, at the place commonly called Scott's ferry, shall be established, and vested in the heirs of Samuel C. Scott, for the term of seven years; and the following rates, and no other, shall be taken at the said ferry, to wit:—for every carriage with four wheels, the sum of seventy-five cents; for every carriage with two wheels, the sum of thirty-seven and a half cents; for every man and horse, twelve and a half cents; for every led horse, six and a quarter cents; for every foot passenger, the sum of four cents; for every head of cattle, sheep, goats or hogs, the sum of two cents; for every hogshead of tobacco, horses and driver, the sum of twenty-five cents.

III. *And be it further enacted* by the authority aforesaid, That the road from Beach Branch Church to Lane's ford, on Coosawhatchie, be established as a public road.

IV. *And be it enacted* by the authority aforesaid, That the ferry over Edisto river, at Jacksonborough, of which the term is about to expire, shall be re-established, and vested in Robert Addison, for the term of seven years, from the seventeenth day of December, which will be in the year of

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our Lord one thousand eight hundred and seventeen ; and that the rates of ferriage taken at the said ferry shall be the same as heretofore established, and no more.

Road.

V. *And be it further enacted* by the authority aforesaid, That a road from the place where the Five Notch road crosses Turkey creek, leading to the bridge on Saluda river, called Quin's bridge, be, and the same is hereby, authorized and established ; and that Michael McGee, Joseph Cooper and James Watkins, be appointed commissioners to superintend and direct the laying out and opening of the said road.

Who to work on roads.

VI. *Whereas*, by an Act passed the twentieth day of December, in the year of our Lord one thousand eight hundred and fourteen, it was enacted that all persons bound by law to work on Pacolet, Edisto and Broad rivers, shall be exempted from working on the roads, whereby it has happened that a sufficient number of persons are not left to keep the roads in order. *Be it therefore enacted*, That the commissioners of the roads for Fairfield district be, and the same are hereby, authorized and empowered to call out the hands included in the said Act, to work on the roads, for any time not exceeding two days in each year ; any thing in the said Act to the contrary notwithstanding.

Road.

VII. *And be it further enacted* by the authority aforesaid, That the road leading from Thomas Price's, between Tyger river and James's creek, to the Buncombe road, be, and the same is hereby, established as a public road.

Harlee's bridge on Pee-dee river.

VIII. *And be it further enacted*, That the bridge over Little Peedee, known by the name of Harlee's bridge, be re-established, and vested in Thomas Harlee, for and during the term of fourteen years ; and that the rate of ferriage or toll taken at the said bridge, shall be the same as heretofore established, and no more.

Road.

IX. *And be it further enacted* by the authority aforesaid, That a road leading from the Augusta road, near Matthews's Bluff, to intersect the same road at the eleven mile post, on the Coosawhatchie and Black swamp road, be laid out and opened, and the same is hereby established a public road ; and that Reuben Roberts, Benjamin T. D. Lawton, Winborn A. Lawton, Amos Johnson and Elisha Wall, be, and the same are hereby appointed, commissioners to lay out the said road.

Road.

X. *And whereas*, William Irby and John Garlington have represented that the road from the village of Laurens to the Mountain Shoals, on Enoree, may be shortened and rendered more convenient. *Be it therefore enacted*, That the said William Irby and John Garlington have leave to alter the direction and course of the said road, under the superintendence of the commissioners of the roads for Laurens district ; and in case the said commissioners shall approve of the same, the said road, when laid out and opened, shall be, and the same is hereby, established a public road.

Earle & Laro's ferry on Seneca river.

XI. *And be it further enacted* by the authority aforesaid, That the ferry over Seneca river, at Andersonville, the term for which the same was established being about to expire, be, and the same is hereby, re-established, and vested in Samuel Earle and John Laro, for and during the term of seven years ; and that the rates of ferriage taken at the said ferry shall be the same as heretofore, and no more.

Ferry on the Wateree, at Gen. Sumter's plantation.

XII. *And be it enacted* by the authority aforesaid, That the ferry established in eighteen hundred and six, on the Wateree river, at General Sumter's plantation, at the mouth of Rafting creek, be, and the same is hereby, re-established, and vested in the proprietors of the land on each side of the

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said river, for the term of seven years; and that the rates of ferriage taken and received thereat, shall be the same as is taken and received at Garner's ferry, on the said river.

XIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Richland district be authorized, and they are hereby directed, to lay out and open a road from the said ferry to the public road leading from Statesburgh to Columbia.

Road.

XIV. *And be it further enacted* by the authority aforesaid, That every person who hath, or may hereafter erect any dam, hedge or other obstruction across Saluda river, or any part thereof, shall, from and after the passing of this Act, keep open a good and sufficient sluice, at least thirty feet wide, for the passage of fish up the said river; which sluice shall be kept open from the first day of March to the first day of May, in each and every year; and upon neglect or failure thereof, shall forfeit and pay to any person who shall inform and sue for the same, before any justice of the peace, the sum of twenty dollars for every twelve hours during which such obstruction shall continue after the time aforesaid; any law to the contrary thereof in any wise notwithstanding.

Saluda river to be kept open.

XV. *And be it further enacted* by the authority aforesaid, That a turnpike road be, and the same is hereby, established, to run from Dr. Earle's Store to the Table Mountain; and that the estate and property of the same be vested in Cornelius Keeth, his heirs and assigns, for the term of twenty years; *provided*, that he, she or they shall open and extend the said road as far as the Table Rock. And *provided also*, that he, she or they shall not be permitted at any time to charge more for travelling over the said turnpike road than after the following rates, to wit:—for every carriage with four wheels, with horses, drivers, &c. at the rate of thirty cents per mile; for every two wheeled carriage, with do., fifteen cents per mile; for every man and horse, at the rate of eight cents per mile; for every led horse, at the rate of six and a quarter cents per mile; and for every foot passenger, at the rate of four cents per mile. And *provided also nevertheless*, that the said turnpike road shall not obstruct or prevent any road now laid out, or which may be hereafter laid out, by the authority of the board of commissioners of the roads for Pendleton district.

Keeth's turnpike road.

XVI. *And be it further enacted* by the authority aforesaid, That the commissioners of roads, bridges and ferries, for the parish of St. James Santee, be, and they are hereby, authorized and empowered to meet and sit on the first Mondays in May and November, in each and every year, instead of the first Mondays in April and August, as heretofore required by law; any law, usage or custom to the contrary notwithstanding.

Comm'rs. when to meet.

XVII. *And be it further enacted* by the authority aforesaid, That there shall be, hereafter, two boards of commissioners of the roads for Greenville district; one for the fifteenth regiment, which shall be composed of the following persons, to wit:—William Arnold, James Alexander, Philip Evans, Samuel McCreary and Benjamin Arnold; and one for the seventeenth regiment, which shall consist of the following persons, to wit:—Dyer Talley, Massey A. Smith, Prue Benson, Benjamin Mehaney and Peter Edwards; each of which sets of commissioners shall meet four times in each year, at the regimental muster ground of their respective regiments, and shall have all the powers, and perform all the duties, now required by law of the commissioners of the roads, except the power of building and repairing bridges.

Two boards of comm'rs. for Greenville.

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XVIII. *And be it further enacted* by the authority aforesaid, That the said two boards of commissioners shall jointly meet at Greenville court house, at the times now appointed by law, and shall have, collectively, the power of building and superintending and repairing all the bridges within the said district of Greenville.

When they are
to meet.

XIX. *And be it further enacted* by the authority aforesaid, That Francis Higgins be, and he is hereby, authorized and permitted to alter the road leading to his ferry on Saluda river, through his own land, so as to make a landing opposite the one on the other side of the river, made by Azariah Abney, of Edgefield district; *provided* the board of commissioners of Newberry district approve of the same; and that the said Francis Higgins shall be bound to keep open the road leading to the ford commonly called Abney's ford, on his said land, at his own expense.

Road.

New comm'rs.
may be ap-
pointed.

XX. *Whereas*, serious inconvenience has arisen to the inhabitants from the neglect of the commissioners of the roads for Saint Paul's parish to form a board at the times required by law, by which means the said inhabitants are precluded from making known their grievances, arising from the decay of bridges, or the bad state of the roads, in their respective neighborhoods, owing to the negligence of those of the commissioners who are appointed to superintend them. *Be it therefore enacted*, That such of the members composing the said board as shall assemble in January next, the period appointed by law for their meeting, shall be, and they are hereby, empowered to appoint a new set of commissioners, if they deem it expedient to do so.

Togadoo
bridge to be
repaired.

XXI. *And whereas*, Togadoo bridge has been and now is in an almost impassable state, owing to the negligence of those of the commissioners who are appointed by the board to superintend the same, and that part of the road connected therewith; for remedy of such inconvenience, *Be it therefore enacted*, That those of the commissioners who have the superintendence of the said bridge or road, shall cause the same to be put in a thorough and complete state of repair within three months after the passing of this Act; and in case of their refusal or neglect so to do, that then the chairman of the board of commissioners of the said parish, or any three of them, shall be, and he or they are hereby, directed to instruct the attorney general to institute the usual suit against such of the commissioners as shall have the said bridge, or the road connected therewith, under their superintendence, for such refusal or neglect.

XXII. *And be it further enacted* by the authority aforesaid, That the persons who are now, or may be appointed by the board of commissioners of the parish aforesaid, at their next meeting in January, shall be, and they are hereby, authorized to complete the Togadoo bridge and the road connected therewith, by an assessment, not exceeding four dollars on each male slave liable to work thereon, if such assessment be by them deemed expedient. *Provided*, that nothing herein contained shall be so construed as to authorize the said commissioners to include in the said assessment any other slave or slaves, than those belonging to persons who are, under the present arrangements of the board, made liable to work on the said bridge or the road therewith connected.

Swaney's ferry
on Saluda
river.

XXIII. *And be it further enacted* by the authority aforesaid, That the ferry on Saluda river, known by the name of Swaney's ferry, be re-established, and vested in Richard Pucket, his heirs and assigns, for the term

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of seven years, at the same rates of ferriage as have been heretofore allowed by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; AND No. 2160.
FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry heretofore established on Broad river, and known by the name of Dare's ferry, be, and the same is hereby, re-established, and vested in Thomas Dare, for and during the term of fourteen years, from the expiration of the term for which the said ferry has been heretofore established; and that the same rates of ferriage as have been heretofore received and allowed by law, shall be hereafter received and taken at the said ferry.

II. *And be it further enacted* by the authority aforesaid, That John Wilson's ferry, on Saluda river, be, and the same is hereby, re-established, and vested in the said John Wilson, his heirs and assigns, for the term of fourteen years, with the same rates of ferriage as have been heretofore allowed by law.

III. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established on Saluda river, and vested in William Calk, be, and the same is hereby, re-established, and vested in Saul Simons, his heirs and assigns, for the term of fourteen years; and that he be allowed the same rates of ferriage as have been heretofore allowed by law.

IV. *And be it further enacted* by the authority aforesaid, That the bridge across the North branch of Stono river, and the causeway in Saint Andrew's parish, which is attached thereto, be, and the same is hereby, vested in James H. Ancrum, his heirs and assigns, for the term of fourteen years, on the express condition that the said James H. Ancrum, his heirs and assigns, shall at all times keep the said bridge and causeway in such repair as to be at all times passable; and that the said James H. Ancrum shall be authorized to receive the same toll and rates as have been heretofore allowed him by law.

V. *And be it further enacted* by the authority aforesaid, That the road leading through the plantation of Benjamin Finney, in Abbeville district, be, and the same is hereby, discontinued as a public road; and that the road which the said Benjamin Finney hath opened around his said plantation, be, and the same is hereby declared, a public road, in lieu of the road hereby discontinued.

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Road.

VI. *And be it further enacted* by the authority aforesaid, That the road leading from Bunche's ford, on the Four Holes, to Pell's ferry, on Edisto river, in Saint George's parish, be, and the same is hereby, established as a public road; and that Joseph Koger, Jun., Abraham Wimberly, Frederick Carr, William Murray, Jun. and Edward Hussey, be, and the same are hereby appointed, commissioners to open the said road.

Givhan's ferry,
over Edisto
river.

VII. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established and vested in Philip Givhan, over Edisto river, be, and the same is hereby, re-established, and vested in Job P. Givhan and Jacob Givhan, the devisees of the said Philip Givhan, for the term of fourteen years; and that they be allowed the same rates of ferriage as have been heretofore allowed by law.

Connor's ferry,
over Saluda
river.

VIII. *And be it further enacted* by the authority aforesaid, That a public ferry be, and the same is hereby, established over Saluda river, at the junction of Reedy and Saluda rivers, and vested in Francis Connor, for the term of fourteen years; and that the said Francis Connor be allowed to receive the following rates of ferriage, to wit:—for every wagon or other four wheeled carriage, horses and driver, thirty-seven and a half cents; for every two wheeled carriage, horses and driver, twenty-five cents; for every man and horse, six and a quarter cents; for every hogshead of tobacco, twelve and a half cents; every foot passenger, six and a quarter cents; for every head of horses, cattle, sheep and hogs, two cents; and two thirds of the above rates for crossing Reedy river alone. *Provided*, that nothing herein contained shall be construed to impair the right, or to prevent the re-establishment, of Samuel Young's ferry, on the said river.

Sloan's ferry,
over Seneca
river.

IX. *And be it further enacted* by the authority aforesaid, That a public ferry be, and the same is hereby, established over Seneca river, in the district of Pendleton, at the plantation of David Sloan, and vested in the said David Sloan for fourteen years; and that he be allowed to take and receive the following rates of ferriage, to wit:—for every wagon or other four wheeled carriage, fifty cents; for every two wheeled carriage, twenty-five cents; for every man and horse, twelve and a half cents; for every hogshead of tobacco, twenty-five cents; for every head of horses, cattle, hogs or sheep, two cents; for every foot passenger, six and a quarter cents.

Gillespie and
Sanders's fer-
ry, on Peedee
river.

X. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established on Peedee river, and vested in Lewis Mitchel and Bolling Dunn, be, and the same is hereby, re-established, and vested in Samuel W. Gillespie and Samuel Sanders, for the term of fourteen years; and that they be allowed to receive the same rates of ferriage as have been heretofore allowed by law.

Watkins's fer-
ry on Savan-
nah river.

XI. *And be it further enacted* by the authority aforesaid, That there shall be a public ferry established across the Savannah river, at the plantation of John Watkins, in Abbeville district, in the State of South Carolina, opposite to Commerce-street, in the town of Petersburg, in the State of Georgia, and vested in the said John Watkins, his heirs and assigns, for the term of fourteen years; and that the following rates of ferriage be allowed, to wit:—for every wagon or four wheeled carriage, driver and horses, seventy-five cents; for every cart, chair, or other two wheeled carriage, horses and driver, twenty-five cents; for every man and horse, twelve and a half cents; for every foot passenger, six and a quarter cents;

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for every hogshead of tobacco, twenty-five cents; for every head of horses, hogs, cattle, sheep or goats, two cents.

XII. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established and vested in James Pouncey, over Peedee river, be, and the same is hereby, re-established, and vested in the said James Pouncey, his heirs and assigns, for the term of fourteen years; and that the same rates of ferriage be allowed as heretofore. Pouncey's ferry, on Peedee river.

XIII. *And be it further enacted* by the authority aforesaid, That Rebecca Huff be, and she is hereby, authorized and empowered to establish and build a causeway and bridge over Wassamasaw swamp, at or near the place where the public road from Columbia to Charleston crosses the said swamp, in St. James Goose Creek, upon the condition that the said Rebecca Huff shall, at her own expense, at all times, keep in good repair and sufficient order, the road from the said bridge to William Smith's; and that she shall not receive, ask or demand any toll for passengers crossing the said causeway and bridge, until she shall have procured from a majority of the commissioners hereinafter named, a certificate that the said road is in good repair and sufficient order for travelling. Bridge and causeway to be built over Wassamasaw.

XIV. *And be it further enacted* by the authority aforesaid, That the said Rebecca Huff shall be, and she is hereby, authorized and empowered to use any timber trees growing adjacent to the said road, for repairing said road, and building the said bridge and causeway, in as full and ample manner as the commissioners of roads are now authorized by law; and that she shall be allowed to receive the following rates of toll, to wit:—for every wagon or other four wheel carriage, seventy-five cents; for every cart, or other two wheeled carriage, thirty-seven and a half cents; for every man and horse, twelve and a half cents; for every hogshead of tobacco, horse and driver, twenty-five cents; for every foot passenger, six and a quarter cents; for every head of horses, cattle, hogs, sheep or goats, two cents. May use timber-trees.
Rates of toll.

XV. *And be it further enacted* by the authority aforesaid, That the said toll bridge be, and the same is hereby, vested in the above mentioned Rebecca Huff, her heirs and assigns, for the term of fourteen years, from the completion of the said bridge and causeway. *Provided* the same be completed within twelve months after the passage of this Act. Toll bridge vested in Rebecca Huff.

XVI. *And be it further enacted* by the authority aforesaid, That John Tattle, Andrew Dehay and William Mellard, be, and they are hereby appointed, commissioners for approving the said road when finished. Comm'rs. for approving said road.

XVII. *Whereas*, the board of commissioners of high roads and bridges for the eighteenth regiment, in Pendleton district, hath been dissolved, either by death or removal of said commissioners from this State. *Be it therefore enacted* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That David Sloan, Junior, Laurens McGriggor, James C. Griffin, William Simpson, James Cooper, Andrew Miller and Thomas B. Singleton, be, and they are hereby appointed, commissioners of high roads, bridges and ferries, for said eighteenth regiment in Pendleton district, and vested with the same power and authority, and subject to the same pains and penalties, as heretofore established by law. Comm'rs. appointed.

XVIII. *Whereas*, much injury and vexation to the citizens of this State has accrued, from the improper exercise of the power of the commissioners of the roads to lay out and open new roads through their plantations and lands. *Be it therefore enacted* by the authority aforesaid, That no No road to be opened unless by permission of the Legislature.

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board of the commissioners of the roads in this State, shall hereafter have power to grant or open any new road over the lands of persons who shall signify to the said board any opposition, unless by permission of the Legislature. *Provided however*, that no new road shall be granted by the Legislature, unless upon a representation of the board of commissioners of the district where the said road is to be laid out, certifying the propriety and utility thereof; and also, that three months previous notice that such representation would be made, had been given to the persons opposed thereto as aforesaid, to enable them to make counter representations to the same.

Comm'rs. may grant or reject licences.

XIX. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the several districts and parishes, shall have the power, on hearing any application for any license to retail spirituous liquors, to grant or reject such license, as to them shall seem meet; and they shall be, and are hereby, authorized to charge for and receive for every license granted, the sum of fifteen dollars; two of which shall be retained by the clerk, for making out said license.

Lands to be leased for five years.

XX. *Whereas*, the commissioners of fortifications of Charleston have found it impracticable to lease the lands on which the said fortifications are erected, for so short a period as one year, agreeable to the provisions of an Act passed for that purpose, on the thirteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, entitled "An Act to vest in the State the lands on which the fortifications are erected for the defence of Charleston," whereby the fortifications are much neglected. *Be it therefore enacted* by the authority aforesaid, That the commissioners of fortifications at Charleston are hereby authorized and empowered to rent the lands attached to the said fortifications for any term of years not exceeding five; subject, however, to such disposition and limitations as the Legislature may hereafter make for the military defence of the State.

Roads to be under control of comm'rs.

XXI. *And be it further enacted* by the authority aforesaid, That as soon as any road which may be laid out by the authority of the Legislature is opened, it shall then be under the control of the commissioners of roads for the district or parish in which said road is situate; and all the hands which were designated to work upon the said roads, are declared to be subject to the laws regulating the keeping in repair the several roads in this State.

Comm'rs. when to meet.

XXII. *And be it further enacted* by the authority aforesaid, That the board of commissioners of roads and bridges in St. Paul's parish, shall hereafter hold their meetings on the third Monday in April and November, in every year, at the Stono Club House, on the new road, instead of the times and places now appointed for their meeting; any law, usage or custom to the contrary notwithstanding.

Oliver's ferry, on Savannah river.

XXIII. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established in John Oliver, over Savannah river, be, and the same is hereby, established in James Oliver, his heirs and assigns, for the term of fourteen years.

Russell's ferry, on Savannah river.

XXIV. *And be it further enacted* by the authority aforesaid, That a public ferry be established at the town of Vienna, over the Savannah river; and that the same be vested in James Russell, his heirs and assigns, for the term of fourteen years; and that the following rates of toll shall be received at each of the last above named ferries:—for every wagon and team, or other four wheeled carriage, seventy-five cents; for every chair, cart or other carriage with two wheels, twenty-five cents; for every

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man and horse, twelve and a half cents; for each foot passenger, six and a quarter cents; for each head of cattle, hogs, sheep or goats, ferried or swam over, two cents; for every hogshead of tobacco, driver and horses, twenty-five cents.

XXV. *And be it further enacted* by the authority aforesaid, That the ferry on Saluda river, known and distinguished by the name of Kenearly's ferry, be re-established, and vested in Benjamin Hart, his heirs and assigns, for the term of fourteen years; and that the following rates of ferriage be established:—for every wagon, or four wheeled carriage, with horses and driver, fifty cents; for every cart, or two wheeled carriage, with horse or horses and driver, twenty-five cents; for every rolling hogshead of tobacco, with horses and driver, twenty-five cents; for every man and horse, six and a fourth cents; for every led horse or mule, three cents; for every head of black cattle, two cents; for every head of hogs, sheep or goats, one cent.

Hart's ferry, on Saluda river.

XXVI. *And be it further enacted* by the authority aforesaid, That the private road commonly known by the name of the Half-way Creek road, in the parishes of Saint James Santee and Saint Thomas, be, and the same is hereby, declared and established as a public road; and that the commissioners of the roads for said parishes are hereby authorized and required to open and keep in good repair the said road, as a public highway.

Road.

XXVII. *And be it further enacted* by the authority aforesaid, That so much of an Act passed in the year one thousand eight hundred and seven, entitled "An Act to establish certain roads, bridges and ferries; and for other purposes therein mentioned," as relates to the making the creek of Indian Fields swamp navigable, be, and the same is hereby, repealed.

Part of former Act repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

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No. 2180. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Harrison's ferry over Keowee river. I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry over Keowee river, heretofore vested in John B. Earle, be, and the same is hereby, re-established, and vested in Thomas Harrison, for the term of seven years. And that he be allowed to receive the same rates of ferriage as heretofore established by law.

Mouzon's bridge over Black river, re-established. II. *And be it further enacted* by the authority aforesaid, That the bridge over Black river, on the road leading from Darlington court house to Murray's ferry, known by the name of Mouzon's bridge, be, and the same is hereby, established as a toll bridge, and vested in Samuel R. Mouzon, his heirs and assigns, for the term of seven years. And that he be allowed to demand and receive the same rates of toll as is allowed by law at Lowry's bridge, on the same river.

North's ferry on Black river, re-established. III. *And be it further enacted* by the authority aforesaid, That North's ferry, on Black river, be, and the same is hereby, re-established; and that the said ferry, on the south side of the said river, be, and the same is hereby, vested in the heirs at law of James Cooper, for the term of seven years; who shall be allowed to demand and receive the same rates of ferriage as heretofore allowed by law.

Road. IV. *And whereas*, sundry inhabitants of Chester district have, by their petition, represented that so much of the road from Chester court house to Lyles's ferry, as lies between the creek, at the plantation of John T. Pinckback, and the intersection of the said road with the Pinckney road, at the northernmost end of the said Pinckney's plantation, has become useless, because the present Pinckney road answers all the ends of the said road. *Be it therefore enacted* by the authority aforesaid, That that part of the road from Chester court house to Lyles's ferry, above described, be, and the same is hereby, discontinued as a public road.

Comm'rs, when to meet. V. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Saint John's Colleton, shall, hereafter, meet on the first Monday in January and April, at Rock Landing, on Wadmalaw Island, or such other place as a majority of the said commissioners, from time to time, shall appoint, in lieu of the times and place heretofore established by law.

Road. VI. *And be it further enacted* by the authority aforesaid, That John McLaughlin, Thomas Watts, Charles Ellis, James Denton, and James English, be, and they are hereby appointed, commissioners, to lay out and cause to be opened, a road, from General Thomas Sumter's ferry, on the Wateree river, to the public road from Statesburgh to Columbia. And the said commissioners are hereby vested with all the powers appertaining to the commissioners of the roads, in designating and calling out the inhabitants to open the said road.

Young's ferry on Saluda, re-established. VII. *And be it further enacted* by the authority aforesaid, That the ferry over Saluda river, heretofore established and vested in the late Samuel Young, be, and the same is hereby, re-established, and vested in the heirs at law of the said Samuel Young and John Sims, for the term of seven years; who shall be allowed to ask and receive the same rates of ferriage as have been heretofore allowed by law at the said ferry.

VIII. *And be it further enacted* by the authority aforesaid, That Sumter's ferry be vested in the proprietors of the land on each side said river,

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for seven years; and the same rates of ferriage be received at said ferry as at Garner's ferry, on the same river.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Abbeville district shall be, and they are hereby, authorized and empowered to open a new public road, from Conner's ferry, at the junction of Reedy and Saluda rivers, the nearest and the most convenient way, to the public road from Young's ferry to Cambridge.

Road.

X. *And be it further enacted* by the authority aforesaid, That the ferry on Black river, at the Episcopal Church, heretofore vested in William Avant, be, and the same is hereby, re-established, and vested in John Avant, the owner of the land on the south side of the said river, and in John J. Green, the owner of the land on the north side of the river. And the said John Avant and John J. Green be, and they are hereby, authorized and permitted to receive the same rates of ferriage as have been heretofore allowed by law.

Avant and
Green's ferry
over Black
river.

XI. *And be it further enacted* by the authority aforesaid, That J. W. Willson be, and he is hereby, permitted to shut up and obstruct the public road passing through his plantation, in Abbeville district, upon the condition that he shall open, at his own expense, to be approved of by the commissioners of the roads for the said district, a new road along the south line of his land, in lieu of the one which is hereby permitted to be obstructed. And the said new road, when laid out, opened and received by the said commissioners, shall be, and the same is hereby declared to be, a public road.

Road to be
changed.

XII. *And be it further enacted* by the authority aforesaid, That James Ervin be, and he is hereby, entitled to receive the same rates of ferriage at his ferry, on Peedee, known by the name of Cashaway ferry, as the owner of the ferry on Peedee, at Marr's Bluff, is entitled to receive at this time by his charter.

Rates of fer-
riage at Marr's
Bluff.

XIII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any person or persons to set up or establish any ferry within three miles of the ferry on Saluda river, heretofore established and vested in Saul Simons.

Privilege gran-
ted to Saul
Simons.

XIV. *And be it further enacted* by the authority aforesaid, That Reuben Newman be, and he is hereby, permitted to erect and keep up two gates on the public road leading through his plantation, on Tiger river, in Spartanburgh district.

Gates to be
kept on road.

XV. *And whereas*, John Willson hath, by his petition, represented that he has purchased from Rebecca Huff the right to establish and build a causeway and bridge over Wassamasaw Swamp, granted by an Act of Assembly, passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and praying for further time to complete the same. *Be it therefore enacted* by the authority aforesaid, That the said John Willson be, and he is hereby, allowed until the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty, to complete the said causeway and bridges. And that he be allowed to take and receive the following rates of toll at the said bridge and causeway, when completed, that is to say:—for every four wheel wagon with four horses, sixty-two cents and a half; for every small wagon with one or two horses, or cart, eighteen cents and three quarters; for every four wheel carriage on springs, fifty cents; for every other two wheel carriage, twenty-five cents; for every man and horse, twelve

Willson's
causeway and
bridge over
Wassamasaw
swamp.

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and a half cents; for every foot passenger, not accompanying a wagon or carriage, and for every led horse, six and a quarter cents; for every rolling hogshead, twenty-five cents; for every head of neat cattle, three cents; and for every head of hogs, sheep or goats, two cents.

Comm'rs. appointed to approve of the same.

XVI. *And be it further enacted* by the authority aforesaid, That John Tutte, Andrew Dehay, William Millard, Gideon Browning, and Thomas Blackman, be, and they are hereby appointed, commissioners, for approving the said causeway and bridge when completed. And that the said John Willson shall, at his own expense, at all times, keep in good repair the road from the said bridge to William Smith's. And that the said John Willson shall not, nor shall any person by his authority, use any timber trees growing adjacent to the said road, for repairing the same and building a bridge and causeway, unless he, the said John Willson, shall pay to the owners of such timber trees as much money as they may be worth. And the aforesaid commissioners shall also be commissioners to value the said timber trees, in case the said John Willson and the owners thereof cannot agree upon their value. And the said commissioners, or a majority of them, shall have power, whenever the said bridge or causeway shall be out of repair, to open the gates at the said causeway, and to authorize and permit all persons to pass the same toll free, until the said bridge and causeway shall be again put in a proper state of repair; and that all Acts and parts of Acts repugnant to this and the preceding clause, be, and the same is hereby, repealed.

Road.

XVII. *And be it further enacted* by the authority aforesaid, That so much of the public road from Kingstree to Georgetown as lies between the line dividing Georgetown from Williamsburgh district, and Cooper's ferry, on Black river, which has been neglected and discontinued by the commissioners of the roads for Prince George Winyaw, be, and the same is hereby, declared and established as a public road, and shall be kept in proper order and repair by the said commissioners.

Columbia bridge Company.

XVIII. *And whereas*, the establishment of bridges over the Congaree, Saluda and Broad rivers, would greatly promote the prosperity of the town of Columbia and the adjacent country. *Be it therefore further enacted* by the authority aforesaid, That Ainesley Hall, Zebulon Rudolph, Daniel Morgan, George Wade, and Benjamin Waring, be appointed commissioners to open a subscription for one thousand shares of the stock of a company to be called the Columbia Bridge Company. That the said subscription shall be opened at Columbia on the first Monday in January next, and continue open for four weeks, unless the said shares are sooner subscribed for. And on each share subscribed for, there shall be paid to the said commissioners, at the time of subscription, five dollars, for the use of the said company.

Said company to be incorporated.

XIX. *And be it further enacted* by the authority aforesaid, That as soon as the said one thousand shares shall be subscribed, or the said term of four weeks shall expire, the subscription shall be closed. And in case there shall then have been subscribed six hundred or more shares of the said stock, the subscribers thereof shall be, and they are hereby, incorporated, by the name and title of the Columbia Bridge Company.

Its powers and duties.

XX. *And be it further enacted* by the authority aforesaid, That the said company shall have perpetual succession; and, by the name and style aforesaid, shall and may sue and be sued, plead and be impleaded, in any court of law or equity in this State; and that they may elect and appoint all necessary officers; and, from time to time, make such rules, regulations

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and by-laws, as they may think proper for their own government. *Provided*, the same shall not be inconsistent with the laws of the State.

XXI. *And be it further enacted* by the authority aforesaid, That the said company shall and may erect, or cause to be erected, a bridge over the Congaree river, opposite to the town of Columbia; and to extend from the same a stone causeway up the said river, as near the middle thereof as may be practicable, to the land between the Broad and Saluda rivers, at the junction thereof; or in lieu of said causeway, may erect bridges over the Broad and Saluda rivers, as near as convenient to their junction. And that the said company shall and may fix and establish, and be entitled to receive for passing the said bridges and causeway, such rates or toll as they shall think proper to impose, not exceeding, at any time, fourteen per cent per annum on the money which they shall have expended in erecting and keeping in repair the said bridges and causeway, and in opening roads leading thereto; to ascertain which, the books of the said company shall be always open to the examination of the Comptroller General.

Bridges to be erected.

XXII. *And be it further enacted* by the authority aforesaid, That the said company shall and may open such road or roads leading to the said bridge and causeway, as may be approved of by the civil engineer of the State; making compensation for the injury which may be sustained by the owner or owners of the land over which the said road or roads may pass; and when the said roads are constructed, they shall become public established roads. And the said company shall and may take such real estate of any individual or individuals, as may be necessary for the construction of the said bridge and causeway, making compensation therefor; and where the owner or owners of the said land or real estate and the said company, cannot agree as to the amount of such compensation, the same shall be assessed by the majority of five persons, to be appointed by the court of Equity or Common Pleas, on the application of either party for that purpose.

Roads to be opened to said bridges.

XXIII. *And be it further enacted* by the authority aforesaid, That in erecting the said bridge or causeway, the said company shall not obstruct the navigation of the Congaree, Broad or Saluda rivers, nor interrupt any plan devised or to be devised by the civil engineer for opening or improving the navigation thereof.

Navigation not to be obstructed.

XXIV. *And be it further enacted* by the authority aforesaid, That the said company shall, within two years from the passing of this Act, commence, and within four years next thereafter, complete the construction of the said bridge and causeway; and in default thereof, all their rights under this Act shall be forfeited.

Bridges to be completed in 4 years.

XXV. *And be it further enacted* by the authority aforesaid, That persons passing the said bridge or causeway in going to or returning from public worship, muster or any election, and the members of the Legislature, shall, for themselves, their servants, horses or carriages conveying them, be exempt from paying toll.

Who exempt.

XXVI. *And be it further enacted* by the authority aforesaid, That when the said company shall have erected the said bridge and causeway, they shall cause the same to be kept in good repair; and in default, and on conviction thereof, they may be fined at the discretion of the court of Sessions, for each offence, in a sum not exceeding fifty dollars.

Bridges to be kept in repair.

XXVII. *And be it further enacted* by the authority aforesaid, That no other bridge shall be erected over the Broad or Saluda rivers within three

Exclusive privilege granted.

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miles, or over the Congaree river, within two miles of the said bridge or causeway, for the term of thirty years from the passing of this Act.

XXVIII. *Be it further enacted* by the authority aforesaid, That so much of an Act entitled "An Act to establish roads, bridges and ferries; and for other purposes therein mentioned," passed the seventeenth of December, eighteen hundred and thirteen, and so much of an Act entitled "An Act concerning the navigation of Broad, Pacolet and Edisto rivers; and for other purposes," passed the twenty-first day of December, eighteen hundred and fourteen, as requires persons to work on Broad and Pacolet rivers, and exempts such persons from working on the roads, be, and the same is hereby, repealed.

Parts of former
Acts, repealed.

XXIX. *Be it further enacted*, That from and after the passing of this Act, the commissioners of roads for the parish of Saint John's Colleton, be, and they are hereby, authorized to meet on the first Mondays in January and April, instead of the first Mondays in April and August, as heretofore directed by law.

Commissioners
of roads, when
to meet.

XXX. *Be it further enacted*, That the commissioners of roads for St. Paul's parish be, and they are hereby, authorized to hold their meetings on the second Monday in April, and the second Monday in November, in each and every year; and that they be authorized to divide the present board into two, if they should deem it expedient, and meet at such place or places as may be agreed upon by them; any law to the contrary thereof notwithstanding.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2216. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry heretofore established from the town of Beaufort to the point of Lady's Island, and vested in Ann Agnew, be, and the same is hereby, re-established, and vested in the said Ann Agnew, for the term of seven years; and that she be allowed to ask, demand and receive the same rates of ferriage as heretofore allowed by law.

Agnew's ferry.

II. *And be it further enacted* by the authority aforesaid, That Stephen Minus be, and he is hereby, authorized and empowered to build a bridge across Edisto river, at the place commonly called Scotchman's Bluff; and that it be vested in him, his heirs and assigns, for fourteen years; and that he be authorized to ask, demand and receive, for passing the said bridge, when the same shall have been completed, the same rates of toll as are allowed by law at Murphy's bridge. *Provided nevertheless*, that the

Minus's bridge,
over Edisto.

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said Stephen Mious shall have a sufficient apperture in his said bridge for the passage of boats and rafts. And *provided also*, that it be not placed within three miles of Givhan's ferry.

III. *And be it further enacted* by the authority aforesaid, That Andrew Paul be, and he is hereby, permitted to alter the public road from the Warhee's ford to Burche's ferry, on Peedee river, by laying out a new road, at his own expense, from the said Warhee ford, as nearly in a straight line as practicable, parallel with the lower line of the land of the said Andrew Paul, and on the northern side of the said line; and the said new road when finished, and approved of by William G. Singletary, one of the commissioners of the roads for Marion district, shall be a public road, and established as such in lieu of the road as heretofore established and laid out, which shall then be discontinued. Road altered.

IV. *And be it further enacted* by the authority aforesaid, That George W. Earle be, and he is hereby, permitted and empowered to close up and obstruct the public road which now passes through his plantation in Greenville district, whenever he shall cause to be opened a good and sufficient road, as near as convenient, along the North line of his land, which separates his from the lands of Pinckney Hawkins; and whenever the upper board of commissioners of Greenville district shall approve of the road to be opened. Road discontinued.

V. *And be it further enacted* by the authority aforesaid, That a further term of three years be allowed to John Willson, to finish and complete his bridge and causeway on Wassamasaw swamp. Causeway on Wassamasaw to be finished in 3 years.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the parish of Saint Bartholomew's, be, and they are hereby, permitted to open a road through the plantation of Mrs. Lucretia Horry, according to the directions of an Act passed in the year of our Lord one thousand seven hundred and ninety-five; but that the said road shall be laid out in such way as not to interfere with the garden or negro houses of the said Lucretia Horry; and that she be permitted to erect and keep up gates across the said road. Road.

VII. *And be it further enacted* by the authority aforesaid, That no person shall be permitted to establish any ferry, or build any bridge, over Edisto river, within three miles of Givhan's ferry, on said river. No bridge or ferry to be within 3 miles of Givhan's.

VIII. *And be it further enacted* by the authority aforesaid, That the present road leading from Walker's bridge, on Edisto river, to Jacob May's, be, and the same is hereby, established a public road. Road.

IX. *And be it further enacted* by the authority aforesaid, That the road now leading from the Augusta road, at a place known by the name of the Old Rice Fields, near Slan's bridge, to the Ashley river or Beach Hill road, in Saint George's Dorchester, be, and is hereby declared, a public road, and to be worked on at the discretion of the lower board of commissioners of Saint George's Dorchester, as they shall judge proper. Road.

X. *And be it further enacted* by the authority aforesaid, That the ferry on Saluda river, heretofore known by the name of Lee's ferry, be re-established, and vested in the heirs of David Bates, deceased, for the term of seven years; and that the same rates of ferriage be received thereat, as have heretofore been authorized by law at said ferry. Lee's ferry, on Saluda river.

XI. *And be it further enacted* by the authority aforesaid, That the ferry on Santee, heretofore known by the name of Nelson's ferry, be re-established, and vested in Theodore Gourdine, his heirs and assigns, for Nelson's ferry re-vested in T. Gourdine.

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- the term of seven years; and that the rates of toll and ferriage at the said ferry, continue the same as heretofore established by law.
- Road.** XII. *And be it further enacted* by the authority aforesaid, That a road be laid out from Nelson's ferry, on Santee, across the Eutaw creek, into the Columbia road, near William's branch, to pass through the lands of Theodore Gourdine and John N. Davis, and to unite with the Columbia road on the land of O. Farrell. *Provided*, the said Theodore Gourdine and John N. Davis, cause to be paid to the legal heirs of O. Farrell, the value of the land taken, to be assessed by the commissioners of the roads of St. Matthew's parish.
- Bridge over Eutaw creek.** XIII. *And be it further enacted* by the authority aforesaid, That the said Theodore Gourdine and John N. Davis, cause to be erected, at their own expense, over the Eutaw creek, at its junction with Santee river, a bridge and causeway, to be kept in repair, at all times, by the keeper of Nelson's ferry.
- Dividing line altered.** XIV. *And be it further enacted* by the authority aforesaid, That the line of division between the two boards of commissioners of roads in Clarendon county, be so altered as to run from Captain Duke's to Clarendon court house; thence to the house of James A. Pearson, inclusive; and thence down Wyboo creek, to Santee river.
- Mair's slaves not to work on Newtown Cut.** XV. *And be it further enacted* by the authority aforesaid, That James Mair, the present proprietor of the most northern part of the tract of land, known and distinguished as Raven's tract, on John's Island, shall be, and is hereby, exempted from the operation of any law requiring his male slaves to work on Newtown Cut, so long as he shall not make use of the same for the purpose of conveying produce to market, or in any manner whatever.
- Road.** XVI. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and cleared in Marlborough district, beginning at a convenient point between Porter's and Rollo's old Mill on the Long Branch, and the plantation of James Welch, on the old Cheraw road, leading from Chatham to Cole's bridge, and running the nearest and best way, between Thomas Quick's, Senior, and Levi Quick's plantations, to the mouth of Lightwood Knot creek, across Crooked creek, to the North Carolina line, so as to intersect the road leading to Fayetteville; and that Oliver H. Kollock, James Gillespie, Junior, and Henry Covington, be, and are hereby appointed, commissioners to lay out the same.
- Road to be discontinued.** XVII. *And be it further enacted* by the authority aforesaid, That Charles M'Kinnon be, and he is hereby, authorized to obstruct and close up a public road in the district of Kershaw, which was laid out through the land of the said Charles M'Kinnon, by and for the accommodation of one John Holland, some time in the year of our Lord one thousand eight hundred and eleven; and that the old road, as used and established before the opening of the road aforesaid, be, and the same is hereby, re-established, and declared a public road.
- Road changed.** XVIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Spartanburgh district be, and they are hereby, required to change the public road from Isaac Crow's old place to Hed's ford, on Enoree river, by laying out a new road, so as to cross Cedar Shoals near the head; and the said new road, when laid out, shall be, and the same is hereby, established as a public road, and the old road shall be discontinued.

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A. D. 1819.

XIX. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, whenever application shall be made to any board of commissioners of the roads, in any district or parish within this State, to open a new road, it shall be the duty of the commissioners to give public notice, by advertisements in the settlement through which the intended road is to be opened, for at least three months, before an order for the opening of the said road shall be granted.

Notice to be given of new roads to be opened.

XX. *Whereas*, the Legislature, at their session in the year one thousand eight hundred and fourteen, enacted that certain commissioners should be appointed to survey, ascertain, and report to the Legislature at their next session thereafter, the most direct route from Granby to Augusta, in the State of Georgia, and that they should certify in their said report, the difference in the distance between the present established road and the one thereby directed to be surveyed, and which the said commissioners have hitherto neglected. *Be it therefore enacted* by the authority aforesaid, That Lewis Pou, Lewis Jones, John Bates, Israel Gaunt, Hezekiah Altman, William W. Williams, or a majority of them, be, and they are hereby appointed, commissioners for the purpose aforesaid, and that they report thereon to the next Legislature.

Road from Granby to Augusta.

XXI. *And be it enacted* by the authority aforesaid, That the board of commissioners for the upper part of Saint Peter's parish, shall hereafter hold their meetings on the third Monday in April and July; any law to the contrary notwithstanding.

Comm'rs. when to meet.

XXII. *And be it further enacted* by the authority aforesaid, That a ferry be established on Lynch's creek, at the place called the old Saw Mills, and the same be, and is hereby, vested in Benjamin Lawrence, his heirs and assigns, for the term of seven years; and that the said Benjamin Lawrence, his heirs and assigns, shall, during said term, be entitled to receive and take the following rates of ferriage, and no other, viz:—for every wagon and team, or other four wheel carriage, with horses, fifty cents; for every chair or cart, and the horse or horses, in gears or harness, with a rider or driver, twenty-five cents; for every rolling hogshead, twenty-five cents; for every man and horse, six and a quarter cents; for every led horse, three cents; and for every head of cattle, hogs, sheep or goats, one cent.

Lawrence's ferry, on Lynch's creek.

XXIII. *And whereas*, a dispute has arisen between Thomas M'Connell and John Dozier, respecting the old road leading across Black Mingo creek, at Willtown; in order for the better settling of the same between said parties, *Be it enacted* by the authority aforesaid, That John Gotier, Junior, on the part of Thomas M'Connell, and Hugh M'Cutchen, on the part of John Dozier, be, and are hereby, appointed surveyors, to survey the said road, and to make a platt of the same, which they shall return to the board of commissioners of the roads for Williamsburgh district, on or before the first Monday in August next; and the said board are hereby required to report to the next Legislature, the propriety or impropriety of opening said road by the said Thomas M'Connell.

Dispute between M'Connell and Dozier settled.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1899.

Acts relating to Roads, Bridges and Ferries.

No. 2243.

AN ACT TO ESTABLISH CERTAIN ROADS AND FERRIES.

Sullivan's ferry, on Edisto river.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a ferry be, and the same is hereby, established over Edisto river, at a place commonly called Sullivan's ferry; and that the same be vested in John Davis, his heirs and assigns, for the term of fourteen years; and that he be allowed to ask, demand and receive the same rates of ferriage as are allowed by law at the nearest ferry on the said river.

Road.

II. *And be it further enacted* by the authority aforesaid, That a new road shall and may be laid out from the new bridge over Lynch's creek, between the plantations of Bryant Lee and Mrs. Carroway, so as to intersect the road from Mouzon's to Jones's bridge, at or near the Baptist Church, on the said road; and that William Kennedy, Stephen Floyd and Nathaniel Mott, be appointed commissioners to lay out and open the said road.

Dividing line to be run.

III. *And be it further enacted* by the authority aforesaid, That the line which divides the jurisdiction of the two boards of commissioners of the roads for Clarendon county, shall be run as follows, to wit:—beginning at the county line at or near the fork roads, near the residence of Sarah Evans; thence direct to Benjamin P. West's Saw Mill; thence to Luke Bond's old place; thence to William Duke's, deceased; and from thence to the Santee river, by the lines now established by law.

Road.

IV. *And be it further enacted* by the authority aforesaid, That an old road leading from Pendleton court house, by Harrison's ferry, on Keowee river, to Cane creek bridge, in the said district, be, and the same is hereby, established and declared a public road; and the commissioners of the roads within whose jurisdiction the said road lies, are hereby required to cause the said road to be opened and worked on as a public road.

Road in Sumter.

V. *And be it further enacted* by the authority aforesaid, That a new public road shall be, and the same is hereby, ordered to be opened and laid out in Sumter district, commencing at or near the upper plantation of Michael Blackwell, on Black river; from thence to Charles Duke's; thence to cross Ox Swamp near William Hilton's; thence the nearest and best route, to intersect the road from Nelson's to Murray's ferry, at or near the lower plantation of William A. Colclough, on Santee river; and that Richard Redgell, George J. M'Cauley, James Long, William Hilton, Joseph Sprott, Samuel Bennett, William A. Colclough and John G. Frierson, be, and they are hereby appointed, commissioners to lay out and cause the said road to be opened.

VI. *And be it further enacted* by the authority aforesaid, That the old road leading through the plantation of Thomas B. Seabrook, on John's Island, to Stono river, in Saint John's parish, Colleton county, be, and the same is hereby, discontinued.

Rodgers's ferry, on Peedee river.

VII. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established over Little Peedee river, and vested in Richard Woodberry, be, and the same is hereby, re-established, and vested in William Rogers, for the term of seven years; and that the following rates of ferriage be allowed at the said ferry, to wit:—for every man and horse, short ferriage, six cents and a quarter; for every man and horse, to Little Hill, twelve and a half cents; for every man and horse to Shell Landing, fifty cents; for every two wheel carriage across the river, twenty-five

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cents; for every two wheel carriage to Little Hill, thirty-seven and a half cents; for every two wheel carriage, long ferriage, one dollar; and for every four wheel carriage, double the rates of two wheel carriages.

VIII. *And be it further enacted* by the authority aforesaid, That a public ferry shall be, and the same is hereby, established on Saluda river, at the plantation of Godfrey Harman, on the South side, and Frederick Wise on the North, and is vested in the said Harman and Wise. And that a public road shall be laid out and opened from the said ferry to Lexington court house; and another road from the said ferry, out into the old road, called Kelly's; and thence by the plantation of William Summers to Colonel Counts; and that the following rates shall be taken at the said ferry, viz.—for every wagon and team, or other carriage with four wheels, and horses, fifty cents; for every cart and horse, or other two wheel carriage, twenty-five cents; for every rolled hogshead and horse, eighteen cents and three fourths; for every drag, or slide and horses, twelve and a half cents; for every man and horse, six and a quarter cents; for every foot passenger, led horse, or cattle, per head, two cents; for every head of hogs, sheep or goats, swam or ferried, one cent.

Ferry on Saluda river, vested in G. Harman and F. Wise.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads in the several parishes and districts in this State, shall have power to prescribe and direct how far and on what roads, the persons and slaves in their respective districts shall be compelled to work: *Provided, nevertheless*, That no person, or his, her or their slaves, shall be compelled to work on any road, unless some part of the said road shall be or pass within ten miles of his, her or their place of residence, or within ten miles of the plantation whereon such slaves are employed the greater part of the year.

Commissioners to direct who shall work on the different roads.

X. *And be it further enacted* by the authority aforesaid, That twelve members of the board of commissioners of the roads for Saint Paul's parish shall form a quorum to transact business; and that each board of commissioners of roads in this state, shall be furnished, on application, with a copy of the Acts of the Legislature annually, and also with copies of all the Acts passed subsequent to the publication of Brevard's Digest, or as many as can be obtained.

Twelve commissioners to form a quorum in St. Paul's parish.

XI. *And be it further enacted* by the authority aforesaid, That the commissioners of the high-roads for Abbeville district shall hereafter be divided into and form four distinct boards, in manner following, that is to say, one set of commissioners for the high-roads and bridges within the limits of the upper Saluda battalion, to be composed of the following persons, that is to say, Reuben Nash, John Osborn, John Burton and James Hodges, who shall meet at the house of James Drake, and be called the Upper Saluda board; one set of commissioners for the high-roads and bridges within the limits of the lower Saluda battalion, to be composed of the following persons, that is to say, George Conner, Elihu Creswell, John T. Coleman, Alexander Sample and George Lomax, who shall meet at the house of John Logan, and be called the lower Saluda board; one set of commissioners for the high-roads and bridges within the limits of the upper Savannah battalion, to consist of the following persons, that is to say, John Power, Stephen Jones, William H. Caldwell, Andrew Milligan and William Beauford, who shall meet at the house of William Covington, and be called the upper Savannah board; one set of commissioners for the high roads and bridges within the limits of the lower Savannah battalion, to consist of the following persons, that is to say, James Cochran, Andrew Weed, Peter B. Rogers, Joseph

Four boards of comm'rs. in Abbeville.

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Mosely and William Noble, who shall meet at the house of Adam Wideman, and to be called the lower Savannah board; and each of the several boards above mentioned, shall, within their respective limits, have full power and authority, in and over the highways and bridges, and be liable to perform all the duties of commissioners of the high-roads and bridges, as now by law established: *Provided, nevertheless*, That no assessment shall be laid on the inhabitants of the district, except by the united authority of the commissioners of the several boards, as hereinafter directed.

And shall meet annually at the court house.

XII. *And be it further enacted* by the authority aforesaid, That all the commissioners of the high-roads and bridges within the district of Abbeville, shall be, and they are hereby, required to meet at Abbeville court house, on the first Monday in February, in each and every year, to make such assessments for the use and repair of high-roads and bridges, within the said district, as they, in their discretion, shall deem fit.

Comm'rs. to keep bridges in repair.

XIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the high-roads and bridges, throughout this state, shall be, and they are hereby, authorized and empowered, within their several and respective limits, to make and keep in repair such bridges as they, in their discretion may think fit, although the same may exceed the number of sixty feet in length; any law, usage or custom to the contrary notwithstanding.

J. Gibson's ferry, at Marr's Bluff.

XIV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the ferry heretofore over Peedee river, at Marr's Bluff, be, and the same is hereby, re-established and vested in John Gibson, his heirs and assigns, for the term of seven years; and that the same rates of ferriage heretofore taken at the said ferry, shall be taken for the period for which the said ferry is established by this Act, except the ferriage for a chair and horse, which shall be, for a chair and horse, and rider or riders and driver, twenty-five cents.

Gates to be made.

XV. *Whereas*, the inhabitants of John's, Edisto, and Wadmelaw islands, have represented the great expense to which they are at present exposed by being obliged to keep up lanes, through which the roads on the said islands now pass: for remedy whereof, *Be it enacted*, by the Honorable the Senate and House of Representatives, That all the planters upon the said island, through whose lands the roads thereon now pass, shall not be obliged to make lanes on each side of the said roads, as heretofore, but they, and every of them, are hereby authorized and empowered to construct, build and erect, convenient gates across the said roads, whereby to separate the lands or fields of each other; any law to the contrary thereof, in anywise notwithstanding.

Fine on overseers of the high-roads.

XVI. *Whereas*, the fine heretofore imposed on overseers of roads, for neglect of duty, has been found inadequate: *Be it therefore enacted* by the authority aforesaid, That from and after the passing of this Act, every person hereafter to be appointed overseer of the high-roads in this State, shall forfeit and pay the sum of twenty dollars for every neglect of duty, to be recovered by warrant of distress, under the hands of any three of the commissioners, to be applied in aid of the funds for keeping the high-roads in repair.

M'Con's ferry on Savannah river.

XVII. *And be it further enacted* by the authority aforesaid, That the ferry on Savannah river, heretofore established, and granted to Josiah Daniel, be re-established, and granted to Alexander M'Con, the present owner of said ferry, for the term of seven years; and that the same rates be allowed at said ferry as were heretofore allowed by law.

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XVIII. *And be it further enacted* by the authority aforesaid, That two members be added to the board of commissioners of high-roads and bridges for Union district, in addition to the number allowed by law. Two additional comm'rs. in Union.

XIX. *And be it further enacted* by the authority aforesaid, That the upper board of commissioners of Saint George's Dorchester, be, and they are hereby empowered, whenever the funds of the said board shall not be sufficient to defray the expense of re-building or re-pairing the upper Four Holes and Indian fields bridges, to erect the same into toll bridges, with such reasonable rates of toll as they may think proper to establish: *Provided*, the said toll shall not exceed the toll now established by law at the Cypress causeway and at Minus' bridge, on the Four Holes, and to let the said bridges to the lowest bidder or bidders, for such term as may be sufficient for the purposes aforesaid, and until the capital expended shall be re-imbursed, and seven per cent. interest thereon, upon which event such bridge or bridges shall become public; and the commissioners aforesaid are hereby required to report to the legislature, at its next session, respecting the same. Toll bridges to be erected in St. Geo. Dorchester.

XX. *And be it further enacted* by the authority aforesaid, That Robert M. Crockett, Doctor Bartlet Jones, Wilks Caston, James Purdy, Thomas M'Donald and Josiah Price, be, and they are hereby appointed, commissioners to lay out a public road, in the most direct and best way, from the village of Lancaster to M'Donald's ferry, on the Catawba river. Road from Lancaster C. H., to M'Donald's ferry.

XXI. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Lancaster district shall, immediately or soon after the said road shall be laid out by the aforesaid commissioners, cause the same to be opened, and put in complete order; and shall cause the said road to be kept in good repair, whilst it remains a public road; for all of which purposes they are hereby vested with the same powers and means with which they are invested for opening and keeping in repair the other public roads of said district.

XXII. *And whereas*, it is represented, that many of the streets laid out in the original plan of the village of Lancaster, now are, and have, for many years past, been obstructed by fences and other incumbrances, so that they are rendered impassable: for remedy whereof, *Be it enacted*, That the commissioners of the high-roads for the said district of Lancaster, shall, immediately after the first day of March next, cause all the streets in the said village, which are now stopped up or obstructed, to be opened according to the original plan of the said village, and to be put and kept in good order for the accommodation of passengers; for the effecting of which they are hereby vested with the same power and authority as they are now vested with over the public roads of said district. Streets in the village of Lancaster to be opened.

XXIII. *And be it further enacted* by the authority aforesaid, That if any person or persons, after the said streets shall be opened by the authority aforesaid, shall obstruct them, or any of them, by fences or otherwise, he, she or they shall, for every such offence, forfeit and pay the sum of one hundred dollars, to be recovered in any Court of Law in this State, by action of debt or otherwise; one half of which shall go to the informer, and the other half to the use of the state; and shall moreover be subject to a prosecution at the suit of the State for a nuisance. Penalty for obstructing said streets.

XXIV. *Be it further enacted* by the authority aforesaid, That each board of commissioners of the high roads and bridges for Greenville district, shall, hereafter, consist of ten members, one to be elected by the

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Each board of present board, for and within each militia company beat, within their bounds; and each board, when so organized, shall have all the powers, privileges and authorities, and be subject to the same pains and penalties, that they are now by law. And each of the boards now acting in the said district shall proceed, at their first meeting after the passing of this Act, to fill up their respective boards, by ballot, to the number prescribed by this Act.

Road.

XXV. *And be it further enacted* by the authority aforesaid, That a public road be laid out from the widow Morris's, on Lake Swamp, in Darlington district, the nearest and best way, to Jacob Hudson's bridge, on Lynch's Creek; and from thence, along a private way, to the road to Kingstree. And that Jacob Hudson, John Steel, and Jephtha Stephenson, be appointed commissioners on the Darlington side of Lynch's Creek; and that Jeremiah Moore and Reuben Hickson, on the part of Sumter, be appointed to lay out said road from Lynch's Creek to intersect the Kingstree road, near or at the place where the private road now intersects it.

Road.

XXVI. *And be it further enacted* by the authority aforesaid, That the road from Columbia to Augusta shall be so altered as to pass by the court house lately built for Lexington district; and the commissioners of the roads for the said district shall be, and they are hereby, required to cause the said alteration to be made.

Road.

XXVII. *And be it further enacted* by the authority aforesaid, That a new road shall be laid out, opened and kept in repair, from Adam Felder's, jr., in Saint Matthew's parish, to Orangeburgh. And that Adam Felder, Daniel Shuler, jr., and Adam Felder jr., be appointed commissioners to open the said road.

Road.

XXVIII. *And be it further enacted* by the authority aforesaid, That a road heretofore laid out from Pendleton court house to Orrsville, and which has been recently ordered to be discontinued by the commissioners of the roads for the said district, shall be, and the same is hereby ordered to be, re-opened, and is declared a public road. And that Henry D. Reese, Zachariah Taliaferro, James Lynn, Benjamin Dupre, and Lawrence McGregor, be appointed commissioners for that purpose.

Moorman's
bridge on Tiger
river.

XXIX. *And be it further enacted* by the authority aforesaid, That James Moorman be, and he is hereby, authorized and empowered to build a bridge, or to establish a ferry, over Tiger river, at a place known by the name of Cook's bridge; and that he be allowed to ask, demand and receive, the same rates of toll or ferriage as is allowed by law at the nearest bridge or ferry on the said river.

Hudson's
bridge over
Lynch's creek.

XXX. *And be it further enacted* by the authority aforesaid, That a toll bridge shall be established over Lynch's Creek, at a place known by the name of Pigot's ferry, and the same shall be vested in Jacob Hudson, who shall be allowed to ask and receive, for crossing the said bridge, the same toll as is allowed at the nearest ferry on the said creek.

Road.

XXXI. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out in the territory recently purchased from the Cherokee Indians, intersecting the road from Rabun court house, in Georgia, at the place called the Rogue's Ford, on Chattooga river, and running from thence, so as to intersect the Pendleton road, at or near William Simpson's; and that William Simpson, James Cole, William Shed, Sen., John Rider, and William Brown, be appointed commissioners to lay out said road.

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XXXII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out and kept in repair, from the Oconee Station to Tugaloo river, opposite the mouth of Panther Creek; and that Joseph Williams, Jesse Stapp, James McDaniel, John H. Hanson; and Aaron Brown, be, and they are hereby appointed, commissioners to lay out the said road.

Road:

XXXIII. *And be it further enacted* by the authority aforesaid; That a public road shall be laid out and kept in repair, leading from the mouth of Brasstown Creek, to intersect the road from Powel's Ford, on Tugaloo river, to Pendleton court house; and that Richard Holden, Aaron Brown, Martin Williams, Benjamin F. Perry, and John Nicholls, be, and they are hereby appointed, commissioners to lay out the said road.

Road:

XXXIV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, the nearest and best way, from Goetee's ford, at Hickory Hill, on Coosawhatchie Swamp, to Braxton's ford, on Great Saltcatcher; and that William Deloach, John Mulligan, Joseph Gray, Michael Mixon, and David Rivers, jr., be, and they are hereby appointed, commissioners for laying out said road. And that it shall be the duty of the abovenamed commissioners, or a majority of them, as soon as they have laid out the aforesaid road, to make a return thereof to the general board of commissioners of roads for Prince William's parish, whose duty it shall be to have all the male inhabitants, from the age of sixteen years to fifty, who shall reside within five miles of said road, called out for the purpose of opening and keeping in repair the same. *Provided, nevertheless;* that no person shall be compelled to work on the aforesaid road for a longer time than six days in any one year.

Road:

XXXV. *And be it further enacted* by the authority aforesaid, That the bridge lately built across Tiger river, at Cook's old mills, be, and the same is hereby, vested in James Moorman, for the term of fourteen years, on the following rates of toll, to wit:—for every foot passenger, four cents; for every man and horse, six and one-fourth cents; for every led horse, four cents; for every head of black cattle, hogs, goats or sheep, two cents; for every carriage on two wheels, with the rider or riders thereon, twelve and one-half cents; for every carriage on four wheels, with the rider or riders thereon, twenty-five cents; for every wagon and team, twenty-five cents; for every hogshead of tobacco, twelve and a half cents. *Provided;* that those persons and their families engaged in or working upon or building the said bridge, shall pass free of any toll or demand for the term aforesaid, agreeable to the true intent and meaning of the contract of the parties so entered into for the said purpose.

Moorman's
bridge on
Tiger river:

XXXVI. *And be it further enacted*, That nothing herein mentioned shall, in any wise, tend to the detriment or disadvantage of the minor children of the late John Hall, deceased.

XXXVII. *And be it further enacted* by the authority aforesaid; That the road leading from Silver Bluff, on Savannah; to the Pine Log, on Edisto; be, and the same is hereby, discontinued.

Road.

XXXVIII. *And be it further enacted* by the authority aforesaid; That the commissioners of the roads for Barnwell district are hereby authorized to nominate and elect two commissioners for the said district; in addition to the number already allowed by law.

Two additional
comm'rs for
Barnwell.

XXXVIII. *Be it further enacted* by the authority aforesaid, That Love-lace Gasque, Matthew Allen, and William Small, on the part of Georgetown district; and John Gordon, Sen., John Dozier, and Benjamin Britton,

STATUTES AT LARGE

Acts relating to Roads, Bridges and Ferries.

Black Mingo
Creek bridge
repaired.

on the part of Williamsburgh district, be, and they are hereby appointed, commissioners, with power and authority to contract for, and have repaired, the bridge over Black Mingo Creek, at the joint expense of the said districts; and the said commissioners are hereby invested with all the powers of commissioners of high roads, as far as relates to repairing and keeping in order said bridge.

Road.

XXXIX. *And be it further enacted* by the authority aforesaid, That the commissioners of high roads for Lexington district shall be, and they are hereby, authorized and empowered to open a new public road from the court house to Robert Seawright's, on Beaver Creek.

Road.

XL. *And be it further enacted* by the authority aforesaid, That Joel Allen have leave to change the course of a certain road leading from his plantation to Archibald Young's, in Laurens district; and that John Hunter, Charles Williams, and John Williams, be appointed commissioners to lay out and make such alteration as they may deem best.

Penalty for
neglect.

XLI. *And be it further enacted* by the authority aforesaid, That whenever the commissioners of the roads in any parish or district shall fail to meet and form a board as by law directed, the several persons, being commissioners, who shall have failed to attend for the purpose of forming such board, shall be fined in the sum of twelve dollars; to be recovered by warrant, under the hand of the chairman of the board, or of any three members thereof. And if any person, being a commissioner of the roads, shall neglect to appear at any time when the board to which he belongs, is required to meet, he shall be fined in the sum of six dollars, although the commissioners may have actually formed a board in the absence of such person; to be recovered by warrant, under the hand of the chairman, or any three members thereof. *Provided, nevertheless,* that nothing in this Act contained shall be construed to impose any fine upon any person that may have a reasonable excuse or justification, to be approved of by the board of the commissioners.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

Acts relating to Roads, Bridges and Ferries.

A. D. 1821.

AN ACT TO RELIEVE THE INHABITANTS OF CERTAIN ISLANDS ON THE SEA COAST, FROM THE OPERATION OF THE ROAD LAWS, IN CERTAIN PARTICULARS. No. 2262.

WHEREAS, many Islands on the sea coast of this State, that is to say, James's Island, John's Island, Wadmalaw, Edisto, Saint Helena, Lady's Island and Hilton Head, being remote from the great roads, do not stand in need of such open high-ways as are necessary in other parts of the State ; and as the said Islands do not furnish timber in large quantities for making fences, the inhabitants are put to great and unnecessary expense in keeping up fences along the roads, as they are now by law compelled. For remedy whereof,

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by and with the authority of the same, That from and after the passing of this Act, it shall be lawful for the commissioners of the roads in the several Islands aforesaid, to authorize and permit such persons as they in their discretion may think proper, to put up gates on the public roads that may pass through their grounds ; such permission in every case to expire, unless renewed, at the end of two years. And *provided*, that no new gate be allowed, unless in the judgment of the commissioners the same be necessary.

II. *And be it further enacted* by the authority aforesaid, That if any person shall wilfully cut or destroy any gate which may be put up by the authority of the commissioners in pursuance of this Act, whilst the same is kept in good order, such person shall be fined in the sum of twenty dollars, to be recovered by warrant of distress under the hands of any two of the commissioners of the roads for said Island or parish. And if any person shall wilfully leave open any gate as aforesaid, such person shall be liable to be fined in the sum of twenty dollars, to be recovered as aforesaid.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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Acts relating to Roads, Bridges and Ferries.

No. 2272.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That General John B. Earle, Andrew Warnock, Wm. Swords, Joseph Watkins and Green Golding, be, and they are hereby appointed, commissioners, with full power to open and cause to be opened and put in repair, that part of the old Keowee road which lies between Orrsville and the ridge which divides the waters of Twenty-three Mile creek from Eighteen Mile creek.

II. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the parish of Saint Bartholomew's, be, and they are hereby, restrained and prohibited from opening a road along the Rice dams or through the plantation of Mrs. Lucretia Horry, near Walterborough, in the said parish.

III. *And be it further enacted* by the authority aforesaid, That the Ashville road, from Greenville across the Saluda Mountain, as it now runs by the house of James Pickett, shall from henceforth be, and the same is hereby declared, a public road; and the old road through the plantation of the said Pickett shall be discontinued.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the parish of Saint James Goose Creek, shall hereafter hold their meetings on the second Monday in November, and the first Monday in April, in each and every year, instead of the times heretofore fixed by law.

V. *And be it further enacted* by the authority aforesaid, That the ferry across Saluda river, heretofore established and known as Chappell's ferry, be, and the same is hereby, re-established, and vested in Charles Chapman, for the term of seven years, who shall be allowed the same rates of ferriage as heretofore, except that for a wagon drawn by one or two horses, he shall charge only half the price allowed for a four horse wagon.

VI. *And be it further enacted* by the authority aforesaid, That the upper board of commissioners of the roads for Saint George's Dorchester, shall, at their next regular meeting in April next, select by ballot, from amongst themselves, or the parish at large, nine commissioners of the roads now under their jurisdiction, and after that day the said board shall consist of nine members, and no more.

VII. *And be it further enacted* by the authority aforesaid, That the ferry over Ashley river, heretofore vested in John Fraser, be, and the same is hereby, re-established, for the term of seven years, and vested in Joseph F. Bee, who shall be allowed to ask, demand and receive the same rates of ferriage as heretofore, except that for a four wheel carriage drawn by one or two horses, he shall be allowed only half the ferriage of a four horse carriage.

VIII. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established over the Congaree river, from the extremity of Senate street, be, and the same is hereby, re-established, at the same rates of ferriage as heretofore established, and the profits thereof be equally divided, one half to the Trustees of the Columbia Academy, and the other half to the infant son of Henry P. Hampton, deceased, for the term of seven years. *Provided nevertheless*, that nothing herein contained shall prevent the Legislatnre of this State from granting a charter to any company or individual, for the erection of a bridge over the said river, at any

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place between the upper and lower lines of the town of Columbia, at any time the said Legislature may deem proper. And that as soon as such bridge shall be erected and rendered sufficiently complete for the passage of wagons and other carriages over the said bridge, the foregoing grant of the ferry aforesaid shall cease and determine, although the said term of seven years may not have expired.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the parish of Saint Matthew's be, and they are hereby, empowered to change the road from M'Cord's ferry, from the ground over which it now passes, to the highland nearer to the river, and as near as possible to the ground over which the said road passed when it was originally laid out.

X. *And be it further enacted* by the authority aforesaid, That the ferry heretofore vested in James Dupuise, over the Savannah river, be, and the same is hereby, re-established, and vested in the said James Dupuise, for the term of seven years; and that he be allowed to take the same rates of ferriage as heretofore, except that for four wheel carriages drawn by one or two horses, he shall be allowed to ask and receive only half the price allowed for a four horse carriage.

XI. *And be it further enacted* by the authority aforesaid, That the ferry over Peedee river, heretofore known by the name of Parker's ferry, be vested in Samuel Knox, of Sneedsborough, in the State of North Carolina, for the term of seven years; and that he be allowed to ask, demand and receive the following rates of ferriage, to wit:—for every four wheel carriage, horses and driver, seventy-five cents; for every gig, or two wheel carriage, with horses, thirty-two cents; for every four wheel carriage, with one or two horses, thirty-seven and a half cents; for every man and horse, twelve and a half cents; for every foot passenger, horse, cow, sheep, hogs or goats, four cents.

XII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the parish of Saint Peter shall be divided into two separate districts, for the superintendence of the commissioners of the roads, to each of which divisions shall be assigned one set of commissioners, to be designated as the upper and lower board of commissioners for Saint Peter's parish; and the line between the said two boards shall be as follows, that is to say:—a line commencing at Savannah river, near the plantation of James Porcher, then pursuing the private path of the said James Porcher, from the Cypress creek plantation to his Mill; thence passing by his house, leaving the same in the upper division, and running in a direct course to the great swamp or parish line below the plantation of Mr. Silas Carter.

XIII. *And be it further enacted* by the authority aforesaid, That Caleb May, John F. Humphreys, Jonathan Reader, John C. Deuch, Israel Gillison, David McKenney, James Massey and William Neville, be, and they are hereby appointed, commissioners of the roads for the second Regiment South Carolina Militia, Pendleton district.

XIV. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the lower part of Saint Peter's parish, shall meet in future on the last Monday in January and July, in each and every year, at the village of Parisburgh.

XV. *And be it further enacted* by the authority aforesaid, That the following persons shall be, and they are hereby appointed, commissioners of the roads within the upper division of Saint Peter's parish, that is to say,

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Alexander J. Louton, John S. Maner, William Compton, Winbourn A. Louton, Ebenezer Gifford, William Stafford, Daniel Burlasow, William Sweat, Reuben Roberds, Tristram Rustille, Jesse Deloach and Benjamin Thomas, who shall meet annually, on the third Mondays in April and July, and shall form a board to be called the upper board of commissioners of the roads for Saint Peter's parish; and the said board shall, within their division, have all the power and authority, and liable to the same duties, as are by law vested in and imposed upon the commissioners of the roads in their several parishes or districts throughout this State.

Their duties
divided among
them.

XVI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said commissioners for the upper division of Saint Peter's parish, at their next meeting in March, to make a reasonable allotment or distribution of their duties among themselves, and assign to each and every member of their board, either jointly or separately, a certain or definite section of the high roads within their divisions, for his or their superintendence.

Burns's ferry,
over Seneca
river.

XVII. *And be it further enacted* by the authority aforesaid, That a ferry be, and the same is hereby, established over the Seneca river, at the plantation of John Burns; and the same is hereby vested in the said John Burns, his heirs and assigns, for the term of seven years; and that he be allowed to receive the following rates of ferriage, to wit:—for every wagon and team of four horses, fifty cents; for every wagon and team of two horses, thirty-seven and a half cents; for every carriage drawn by one horse, twenty-five cents; and for every man and horse, six and a quarter; and for every foot passenger, hog, cow, goat or sheep, two cents.

Bridge over
Peedee river.

XVIII. *And whereas*, the building of a bridge near the town of Cheraw, over the Peedee river, would greatly conduce to the prosperity of the said town and the adjacent country. *Be it therefore enacted* by the authority aforesaid, That William Ellerbe, James Cort, John Ellerbe, Joseph Asson, Joshua Lazarus, Augustin Averill and Charles Vanderford, be appointed commissioners to open a subscription for three hundred and fifty shares of the stock of a company to be called "The Cheraw Bridge Company." The said commissioners to meet and open the said subscription at the town of Cheraw, on the first day of March next, and continue the same open for the term of one year, unless the said shares are sooner subscribed for; and on each share subscribed for, there shall be paid, at the time of subscribing, the sum of ten dollars.

Company in-
corporated, and
may raise mo-
ney by lottery.

XIX. *And be it further enacted* by the authority aforesaid, That as soon as the said shares shall be subscribed for, the subscribers thereof shall be, and they are hereby, incorporated and made a body politic, by the name and style of "The Cheraw Bridge Company," which said company, by its name aforesaid, shall have perpetual succession, may sue and be sued, implead and be impleaded, in any court of law or equity in this State; and shall and may elect all necessary officers, and make and ordain all such bye-laws and regulations for their own government as may be necessary, not inconsistent with the constitution and laws of this State or the United States. And the said company shall and may erect a bridge over the Peedee river, at some convenient and suitable place near the town of Cheraw, and may fix and establish, for passing the said bridge, such rates of toll as they may think proper, not exceeding twenty-five per cent per annum upon the money actually paid by the said company for erecting the said bridge, over and above any sum or sums of money which may arise from the drawing of any lottery or lotteries hereafter authorized, or from the tolls of the

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said bridge. And for the ascertaining the same, the books of the said company shall, from time to time, be open to the inspection of any of the commissioners of the roads for Chesterfield or Marlborough district. And for a refusal of the company to submit their books for inspection as aforesaid, the charter of the said company shall be forfeited. This charter for twenty-one years.

XX. *And be it further enacted* by the authority aforesaid, That in the construction of the said bridge, the said company shall not obstruct the navigation of Peedee river. Not to obstruct the navigation.

XXI. *And be it further enacted* by the authority aforesaid, That the said company shall commence within two years, and complete the said bridge within five years from the date of this Act; and in default, all their rights under this Act shall be forfeited. To commence within two years, &c.

XXII. *And be it further enacted* by the authority aforesaid, That all persons passing the said bridge, going or returning from public worship, musters or any election, and members of the Legislature, their servants, horses and carriages, shall be exempt from paying any toll. Who exempt from toll.

XXIII. *And be it further enacted* by the authority aforesaid, That nothing herein contained shall be construed to prevent the Legislature from authorizing the establishment of any bridge or ferry, within any distance from the said bridge, or to authorize the said company to build the bridge without having first the consent of the owners of the ferry already established near the town of Cheraw. No exclusive privilege granted.

XXIV. *And be it further enacted* by the authority aforesaid, As soon as the said company shall be organized, they shall, and are hereby authorized and empowered to establish and proceed to the drawing of one or more lottery or lotteries, under such regulations as the said company may establish, the money arising from such lottery or lotteries to be applied in aid of their funds, for building the said bridge, and keeping it in repair: *Provided*, that the sum raised by such lottery or lotteries, shall not exceed thirty-thousand dollars. Company authorized to draw lotteries.

XXV. *And be it further enacted* by the authority aforesaid, That a new road shall be laid out and opened from Captain Peter E. Bellot's, to the Ford on 26 mile creek, where the road leading from Pendleton court house to Orrville crosses at present, the said road to cross the Big Beaver Dam creek, at Millwee's old ford; and that Captain Peter E. Bellott, Captain James Anderson, Captain William Givens, Aaron Guyton, and Dr. William Anderson, be, and they are hereby appointed, with full power and authority to lay out and open the same. New road to be laid out in Pendleton.

XXVI. *And be it further enacted* by the authority aforesaid, That the road leading from Pendleton court house to Orrville, by the way of William Passmore's bridge, shall be, in future, kept in repair by the commissioners of the roads for the district of Pendleton. Road to be kept in repair.

XXVII. *And be it further enacted* by the authority aforesaid, That the road heretofore used from Comptey or McGowen's ferry, in ascending the hill on the west side of the said ferry, through the land of Alexander B. Stark, and which has lately been obstructed by said Stark, shall be, and the same is hereby, declared a public road, from the river to its junction with the road now used: *Provided*, the proprietors of the said ferry do, at their own expence, first open the same to a convenient width. Road to be changed.

XXVIII. *And be it further enacted* by the authority aforesaid, That the road from Spartanburgh court-house, by Nechol's old mill, on the North fork

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Road established.

of Tiger river, crossing South Tiger at David Anderson's, Enoree at Denny Anderson's, to Bannister Stone's, thence across Reedy river at Ray's mill, by Leaborn Garrison's, to Wilson's ferry on Saluda river, be, and the same is hereby, declared and established a public road, and as such be opened and kept in repair by the commissioners of the roads through whose jurisdiction the same passes.

G. Croomer authorized to change a certain road,

XXIX. *And be it further enacted* by the authority aforesaid, That George Croomer, of the lower Saluda Battalion, in Abbeville district, be, and he is hereby, authorized to connect and unite the road running through his plantation to Abbeville court-house with the Pendleton road, until they pass said plantation: *Provided*, the commissioners of roads in said battalion, or a majority of them, shall, after said road shall be so turned, approve of the same, and give a certificate to the said Croomer of their acceptance of said road.

Road laid out.

XXX. *And be it further enacted* by the authority aforesaid, That Pressly Garner, Royal Bullard Taliaferro, James Edmund Roach, and James Atkinson, be, and they are hereby appointed, commissioners, to make a survey of the road from Statesburgh to Garner's ferry, on the Wateree, and that they report thereon to the next Legislature, as also the propriety and expediency of altering the said road from its present location.

Roads to be repaired by the owners.

XXXI. *And be it further enacted* by the authority aforesaid, That in all cases where any public road shall be injured in consequence of the breaking of any mill dam, or by letting off water from any mill pond, by the raising of any gate or gates, it shall be the duty of the owner or owners of such mill pond or dam, to repair such injury, when thereunto required by the commissioners of the roads, within a reasonable time from such notice; and in default thereof, the owner or owners of such mill dam or pond, shall be liable to be indicted, and on conviction, shall be fined at the discretion of the court, not exceeding one hundred dollars, nor less than twenty.

Width of roads hereafter to be laid out.

XXXII. *And be it further enacted* by the authority aforesaid, That whenever any new road shall be opened by the authority of the Legislature, or board of commissioners of the roads, leading directly from any part of this State to Charleston, Columbia, Hamburg, Camden or Cheraw, the same shall be made thirty feet wide; and it shall be the duty of the commissioners of the roads to cause all roads heretofore laid out to any of the above places, to be cleared to the same width; and all other roads shall be cleared twenty feet wide.

Comm'rs. appointed for Williamsburg.

XXXIII. *And be it further enacted* by the authority aforesaid, That John M'Clary, sen., Samuel Fluitt, Samuel Malcomson, Samuel E. Fulton and Isaac Montgomery, be, and they are hereby appointed, commissioners, for the town of Williamsburg, in Williamsburg district, in the place of the persons appointed by an Ordinance, ratified the 27th day of February, 1788, entitled, "An Ordinance appointing and authorizing commissioners to re-survey and lay out the town of Williamsburg, in the district of Georgetown;" and it shall be the duty of the said commissioners to perform all the duties, and they are hereby vested with all the powers, given to the former commissioners by the said Ordinance.

To enquire into the acts of their predecessors.

XXXIV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the commissioners hereby appointed, to enquire into the acts of their predecessors, and to report what lots in the said town have been sold, and how the money arising therefrom has been disposed of, to the next session of the Legislature,

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XXXV. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the parish of St. Luke shall hereafter hold their meetings on the second Tuesday in January and the first Monday in August in each and every year, in lieu of the times now fixed by law; and the commissioners of the parish of St. Helena shall hereafter hold their meetings on the first Monday of March and August in each and every year, in lieu of the times now fixed by law.

Comm'rs. for
St. Luke's,
when to meet.

XXXVI. *And be it further enacted*, That the commissioners of the roads in the different districts and parishes in this State, or any one of them, shall be, and they are hereby, authorized to call out a sufficient number of hands most contiguous, to repair any bridge or remove any tree or other obstruction in the public roads, without giving six days notice, as the law now directs; and that one day's notice only shall be given on such emergency; and any person or persons, so summoned, refusing to send their hands, he or they shall incur all the penalties imposed for not sending them when summoned by six days previous notice; and that the said work done at one day's notice shall be credited to them when the hands are called out generally to work the roads.

Hands may be
ordered out at
short notice.

XXXVII. *And be it further enacted*, That Cador Gantt is hereby appointed a commissioner of high-roads, for the upper Saluda Battalion, in Abbeville district.

C. Gantt a
comm'r. for
Abbeville.

XXXVIII. *And be it further enacted*, That no new bridge shall be contracted for, by any separate board of Abbeville district, unless by the consent of a majority of the members present at their annual meeting at Abbeville court-house.

Bridge, how to
be contracted
for in Abbe-
ville.

XXXIX. *Be it further enacted* by the authority aforesaid, That if the commissioners of the roads for any parish or district within the State, shall not make a board to transact business in any one year, the said board shall be considered as dissolved; any law to the contrary notwithstanding.

Board not
meeting for a
year, to be con-
sidered as dis-
solved.

XL. *Be it enacted* by the authority aforesaid, That a public ferry be, and the same is hereby, established on Catawba river, in the districts of Lancaster and Chester, at the plantation of Benjamin Massey and Frederick W. Davie, and vested in the said B. Massey and F. W. Davie, their heirs and assigns, for fourteen years; and that the following rates of ferryage be allowed, viz:—for every wagon and team, or other four wheeled carriage, one dollar; for every two wheeled carriage, fifty cents; for every man and horse, twelve and a half cents; for every foot passenger or led horse, six and a quarter cents; for every head of cattle, hogs or sheep, four cents.

Ferry vested in
B. M. Massey
and F. W. Da-
vie.

XLI. *Be it further enacted* by the authority aforesaid, That such negro slaves as are necessarily employed at any public ferry, shall not be liable to work on the roads.

Negro ferry-
men exempted
from road work.

XLII. *And be it further enacted*, That all monies recovered for fines from commissioners of high-roads, for neglect of duty, and not paid over to the treasury, shall be applied to the building of bridges or repairing roads in the district or parish in which such defaulter resides.

Fines how to
be applied.

XLIII. *Be it further enacted* by the authority aforesaid, That all persons who may have charters for any ferry, where it is necessary that slips should be used, shall keep the same in repair at their private expense.

Slips to be
kept in repair
by owners of
ferries.

XLIV. *And be it further enacted* by the authority aforesaid, That a public road be, and the same is hereby ordered to be, laid out and opened in Abbeville and Edgefield districts, commencing at or near a place known by the name of the Scotch Cross, on the Matthew's road, and to run the

Road in Abbe-
ville and Edge-
field.

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nearest and best way to intersect the Five Notch road, near Cuffeetown creek; and that Richard Watson, Joab Wilson, Samuel Ramsay, Samuel Cothran, James Vaughn and Daniel English, be, and they are hereby, appointed commissioners to lay out and cause the same to be opened, agreeable to this act.

Road. XLV. *And be it enacted* by the Senate and House of Representatives, That the road from Gantt's bridge, on South Pacolet, to C. C. Duncan's lane, as lately laid out, be, and the same is hereby, declared a public road.

Road. XLVI. *And be it further enacted* by the authority aforesaid, That the road leading from the Gorden and Spring ferry road, to Daniel's island, be, and the same is hereby declared to be, a public road, and shall be worked on and repaired as such.

Road act re-pealed. XLVII. *And be it further enacted* by the authority aforesaid, That so much of an Act passed in the year 1818, as directs a public road to be laid out and opened from Sumter's landing on the Wateree, to the road from Statesburg to Columbia, be, and the same is hereby, repealed.

Old road to be re-opened. XLVIII. *And be it further enacted* by the authority aforesaid, That the old road from John Thomas's, by Scott's new bridge, and intersecting the Columbia road near Shirley's old house, shall be re-opened and kept in repair as a public road.

Henderson's ferry. XLIX. *And be it further enacted* by the authority aforesaid, That Henderson's bridge, on Enoree river, be, and the same is hereby, re-vested in Thomas H. Henderson, for the term of seven years, and that he be allowed the same rates of toll as heretofore allowed.

Prince's ferry. L. *Be it further enacted*, That Clement L. Prince be, and he is hereby, authorized, at any time, to open a ferry from his landing in Christ Church parish, to the neck of land on which Charleston is situated, and he shall be at liberty to demand and receive the same rates of ferriage as are now taken at the ferry commonly called Hibben's ferry: *Provided*, That nothing herein contained shall be construed to give a right of passage over the soil of any individual, but the legal right of all persons is expressly unaffected by this charter, which shall continue for seven years.

Mathew's ferry. LI. *And be it further enacted*, That William Mathews be, and he is hereby, authorized, at any time, to open a public ferry from his landing in Christ Church parish, to the neck of land on which Charleston is situated, and he shall be at liberty to demand and receive the same rates of ferriage as are now taken at the ferry commonly called Hibben's ferry. *Provided*, That nothing herein contained shall be construed to give a right of passage over the soil of any individual, but the legal right of all persons is expressly unaffected by this charter, which shall continue of force for seven years.

Wadlington's ferry. LII. *And be it further enacted* by the authority aforesaid, That the ferry across the Enoree river, known by the name of Cate's ferry, be, and the same is hereby, established in Jesse Wadlington, who is now the rightful owner of the same, for the term of seven years, and that he be allowed to ask and receive the same rates of toll as heretofore received at the said ferry.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES; AND No. 2298.
FOR OTHER PURPOSES.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry heretofore established over Savannah river, at Campbellton, and vested in William Garrett and Leroy Hammond, be, and the same is hereby, re-established, and vested in William Garrett, for the term of seven years. And that he be authorized and permitted to ask, demand and receive, the same rates of ferriage as heretofore allowed by law.

Ferry vested in
W. Garrett.

II. *And be it further enacted*, That the said William Garrett shall enjoy all the privileges heretofore granted to said ferry. en-Privileges.

III. *And be it further enacted* by the authority aforesaid, That a new public road shall be laid out, opened and kept in repair, from Lee's ferry, on Saluda river; thence by Williams's old mill ford, on West Creek, by Forrest Mitchell's, into Pickley's old road; thence to John Deshazo's; thence into the Columbia road, at Peter Lamkin's. And that the board of commissioners of the roads, within whose jurisdiction the said road shall lie, be, and they are hereby, required to cause the said road to be laid out, opened and kept in repair as a public road. Road from
Lee's ferry.

IV. *And be it further enacted* by the authority aforesaid, That the road heretofore laid out, connecting the road from Abbeville to Pendleton court house, with the road from Abbeville to Cambridge, be, and the same is hereby ordered to be, changed by the commissioners of the roads for the Upper Saluda Battalion, so as to run from Hugh Reed's plantation, along the road to Long Cane Church, to a hill called Little Mountain; thence, the nearest and best way, to the road hereby intended to be altered. Road to be
changed.

V. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, there shall be a public road from the Charleston road, opposite to Grimes's old field, in Prince William's parish, and intersect a public road at the upper part of J. A. Owens's plantation, and continue that road below his place, to cross Jackson's branch, at the causeway; thence by Charles Gray's, to intersect the road which crosses Rivers's bridge, near John Platt's. And that J. A. Owens, Cornelius Barnes, and Thomas Manken, be commissioners to open so much of the said road as lies in Prince William's parish; and John Platt, John M. Hoover, and John Young, be commissioners to open so much of said road as lies in Barnwell district. Which commissioners shall have power to call out all hands liable to road duty, residing within four miles of the said road, to open the same. *Provided*, the said hands shall not be liable to work more than twelve days in opening said road. Road in Prince
William's
parish.

VI. *And be it further enacted* by the authority aforesaid, That the ferry over Tiger river, heretofore established and vested in David Sims, be, and the same is hereby, re-established, and vested in the said David Sims, for the term of seven years; who shall be allowed the same rates of ferriage as heretofore allowed. Sim's ferry on
Tiger river.

VII. *And be it further enacted* by the authority aforesaid, That the ferry heretofore vested in Francis Higgins and Azariah Abney, on Saluda river, be, and the same is hereby, re-vested in the said Francis Higgins and Azariah Abney, their heirs and assigns, for the term of seven years; who shall be allowed to ask, demand and receive, the same rates of ferriage heretofore allowed. Higgins & Ab-
ney's ferry on
Saluda.

VIII. *And be it further enacted* by the authority aforesaid, That a ferry

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over the Tiger river be, and the same is hereby, re-established, and vested in Eli Gordon, his heirs and assigns, for the term of seven years; and that he be allowed the same rates of ferriage as are allowed at the nearest ferry on the said river.

IX. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and kept in repair, to the said Gordon's ferry, leaving the Sims road at Anderson's old place, and running as a road to Crenshaw's ford was laid out to Evans's old place, at Richard's store; thence, along the ridge dividing Cane Creek from the said river, to Gordon's ferry. And it shall be the duty of the commissioners of the roads through whose jurisdiction the said road shall pass, to cause the same to be opened, and when opened, to be worked on and kept in repair as a public road.

X. *And be it further enacted* by the authority aforesaid, That so much of an Act, passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, as requires the two boards of commissioners of roads for Greenville district, to meet, jointly, at Greenville court house, be, and the same is hereby, repealed. And the said boards shall, in all respects, be considered as independent; and shall, each, within their respective divisions, hold, exercise and enjoy, all the powers, and perform all the duties, which appertain to any board of commissioners of the roads.

XI. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, there shall be six boards of commissioners of roads in the district of Edgefield, instead of three, as heretofore; and that the said six boards of commissioners shall be divided, arranged and constituted, as follows, that is to say:—there shall be one board in the upper battalion of the tenth, or Butler's, regiment, which shall consist of the following persons, viz:—William Andrews, William Mays, William Dean, jr., Thomas Christian, and John Kirksey. There shall be one board for the lower battalion of the same regiment, which shall consist of the following persons, viz:—John Lack, Jacob B. Smith, Stephen Norris, John Riley, and James Kaigler. There shall be one board for the upper battalion of the ninth, or Blocker's regiment, which shall consist of Bartley M. Blocker, John Anderson, James Tompkins, Stephen Terry, and Thomas Morton. There shall be one board for the lower battalion of the same regiment, which shall consist of the following persons, viz:—George B. Elam, William Garrett, John Chetham, Wyat Holmes, and David Mims. There shall be one board for the upper battalion of the seventh, or Whatley's, regiment, which shall consist of the following persons, viz:—Wm. Blackburn, Lewis Holmes, Whitfield Brooks, John Lofton, and Francis Betts. And there shall be one board for the lower battalion of the same regiment, which shall consist of the following persons, viz:—John B. Covington, John Moore, John Sturginer, John H. Garrett, and Christian Breithaup. And there shall always, hereafter, be a board of commissioners in each of the said battalions as above enumerated, until otherwise provided by law.

XII. *And be it further enacted* by the authority aforesaid, That the several boards of commissioners by this Act constituted and appointed for the district of Edgefield, shall have power to fill any vacancy that may hereafter occur in either of them, in the same manner as is provided by law for other commissioners of roads in like cases; and the said boards are hereby, severally, vested with the same powers, and are required to perform the same duties, within their respective limits, as other boards of commissioners

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are or may be by law vested with or made liable to perform. And the said boards of commissioners, and every member of the same, are hereby, severally, declared to be and made subject to all the pains and penalties for misconduct or neglect, which by law are or may be imposed on other commissioners in like cases.

XIII. *And be it further enacted* by the authority aforesaid, That the several boards of commissioners hereby appointed in the district of Edgefield, shall, hereafter, meet quarterly, that is to say—on the second Monday in February, the second Monday in May, the second Monday in August, and the second Monday in November, in each and every year, at the muster ground of the battalion to which they severally belong, or as near as practicable, for the purpose of transacting all business which may require their attention within their respective limits; and that all the funds remaining unappropriated in the hands of the several boards heretofore existing in the district of Edgefield, shall be equally divided between the two boards hereby constituted and appointed in each of the regiments to which the present boards belong. To meet quarterly.

XIV. *And be it further enacted* by the authority aforesaid, That a road laid out by Britton Mims's, so as to pass the public road by his house, be, and the same is hereby, established as a public road; and the old road from the points of intersection is hereby discontinued. Road laid out by B. Mims's.

XV. *And be it further enacted* by the authority aforesaid, That the ferry over Edisto river, at Jacksonborough, be, and the same is hereby, re-established, and vested in James D. Addison, his heirs and assigns, for the term of fourteen years; and that he be allowed the same rates of ferriage as heretofore allowed at the same ferry. Addison's ferry over Edisto.

XVI. *And be it further enacted* by the authority aforesaid, That Abner Whatley be, and he is hereby, permitted to remove his ferry at Fort Moore Bluff, on Savannah river, the distance of three hundred yards higher up the river; and that the road from Charleston to said ferry shall be changed so as to conform to the change in the location of the ferry hereby permitted; and it shall be the duty of the board of commissioners within whose jurisdiction the said road lies, to cause the said alteration to be made. Ferry to be removed.

XVII. *And be it further enacted* by the authority aforesaid, That a public ferry shall hereafter be established over the Savannah river, at a place known as Pace's ferry, and the same shall be vested in John Kilcrease, his heirs and assigns, for the term of seven years; who shall be allowed the same rates of ferriage as is allowed at Scott's ferry, on the said river. Kilcrease's ferry overa Savannah.

XVIII. *And be it further enacted* by the authority aforesaid, That the commissioners appointed by the Legislature at the last session, to open a new road from the Scotch Cross, in Abbeville district, to intersect the Five Notch road, near Cuffeytown Creek, be, and they are hereby, directed to suspend all further work on said road until the next session of the Legislature; and that John Anderson and Thomas Morton, of Edgefield district, and John Cochran, Donald Douglass, and Henry Gray, of Abbeville district, be, and they are hereby appointed, commissioners, to view and report the utility of said road at the next session of the Legislature. Commissioners appointed to open a certain road, not to proceed therein.

XIX. *And be it further enacted* by the authority aforesaid, That so much of an Act of the General Assembly of this State, passed in the year of our Lord one thousand seven hundred and seventy-one, as prohibits the Causeway to be repaired.

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use of any other materials than earth upon the causeway over Lynch's Island, in the parish of Prince George Winyaw, be, and the same is hereby, repealed; and that John Hume, Elias Horry, Joseph Manigault, Henry Deas, and Robert Hume, be, and they are hereby appointed, commissioners, with full power and authority to superintend and keep the said causeway in repair.

Fine for over-
charging.

XX. *And be it further enacted* by the authority aforesaid, That if any ferryman or owner of any ferry or bridge, shall demand and receive any greater sum of money for ferriage or toll at such ferry or bridge, every such person shall forfeit and pay the sum of twelve dollars; to be recovered before any justice of the peace or quorum; one half to the informer, the other half to the commissioners of the roads within whose jurisdiction such fine shall be recovered.

Comm'rs to
carry into effect
a certain con-
tract.

XXI. *And be it further enacted*, That the commissioners of the upper board of commissioners of the roads for Greenville district, be, and they are hereby, required to carry in effect that provision of the contract between the board of public works, and Hiram Whitted and John Hodges, in relation to the repairs and execution of the State road, by which the said commissioners have power given them to suspend the receipt of tolls by the said contractors, when and so long as the said road may not be in such repair as the said contract requires.

Road discon-
tinued.

XXII. *And be it further enacted* by the authority aforesaid, That the old road from Kolb's ferry to Georgetown, shall be discontinued from its intersection with the Camden road at the plantation of Josiah J. Evans, to the Hurricane Creek, at Benton's mill.

Godfrey's ferry
re-established.

XXIII. *And be it further enacted* by the authority aforesaid, That the ferry over Peedee river, called Godfrey's ferry, be, and the same is hereby, re-established, and vested in the heirs at law of Richard Godfrey, for the term of seven years; and they be allowed the same rates of ferriage as have been heretofore allowed at that ferry.

Road to be
opened in Marl-
borough.

XXIV. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Marlborough district shall be, and they are hereby, required to cause to be laid out, opened and kept in repair, a new road, commencing at the new court house, crossing the Three Creeks at some point above Threewitt's old mill dam, crossing Muddy Creek at John Brown's mill, passing by Robertson Carliss's, and then to intersect the road from Marlborough old court house to Marion court house.

Road to be laid
out in Richland
for W. Denley.

XXV. *And be it further enacted* by the authority aforesaid, That the board of commissioners of the roads for the upper battalion in Richland district be, and they are hereby, authorized to cause to be laid out on the line dividing the land of General Wade Hampton and the heirs of Richard Evans, a road for the use of William Denley; the said road to be opened and kept in repair by the said Denley and others, who may use it in passing to and from their plantations.

Road to be
opened across
Sawney's
creek.

XXVI. *And be it further enacted* by the authority aforesaid, That an old road, leading from the Old Rocky Mountain road across Sawney's Creek, at John Abbott's ford, and passing by Lewis F. Breaker's into the Chesnut ferry road, be, and is hereby declared, a public road; and the same shall be opened, worked on and kept in repair as a public road.

Comm'rs for
42d regiment.

XXVII. *And be it further enacted* by the authority aforesaid, That James C. Griffin, John Maxwell, Joseph L. Steele, David Cherry, James Lawrence, Lewellen Good, and Horatio Reese, be, and they are hereby appointed, commissioners of the Roads for the forty-second regiment of militia, Pendleton district.

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XXVIII. *And be it further enacted* by the authority aforesaid, That the ferry on Lynch's Creek, now owned by John Durant, heretofore known as Scott's ferry, be, and the same is hereby, re-established, and vested in John Durant, his heirs and assigns, for the term of fourteen years, with the same rates of ferriage as heretofore. Durant's ferry.

XXIX. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any person whomsoever, at any time, to erect or keep up any fish trap or other device for catching fish, or to fish with any nets or seine within eighty yards of any dam, erected by the order or at the expense of the State, across any stream intended thereby to be made navigable, in which dams there shall be left or constructed any sluice for the passage of fish; and all and every person or persons offending against this Act, shall, for each and every offence, pay the sum of twelve dollars, to be recovered before any justice of the peace or quorum of the district where the offence may have been committed, one half of which penalty shall go to the informer, and the other half to the support of the work to which the dam is attached; and all traps and other devices for catching fish, erected or kept up in violation of this Act, be, and the same is hereby declared, public nuisances, and may be abated as such. No fish traps to be kept up near the dams on any stream.

XXX. *And be it further enacted* by the authority aforesaid, That the upper board of commissioners of the roads for St. Bartholomew's parish be, and are hereby, authorized to erect or cause to be erected, a bridge over Little Saltketcher river, at or near Buckhead ford; and that the said commissioners be authorized to establish, and cause to be collected, such tolls for passing the said bridge as they may deem proper; which tolls shall continue to be collected and received for such term of time as will enable the amount collected and received, to re-imburse the principal expended thereon, and the interest which may accrue on such principal, from and after which period the passage of the said bridge shall be exempted from the said tolls. Bridge to be erected over Little Saltketcher.

XXXI. *And be it further enacted* by the authority aforesaid, That John J. Muldrow be, and he is hereby, permitted to change the road passing through his plantation, so as to pass the same along the south-side thereof: J. J. Muldrow permitted to change a road. *Provided*, that nothing herein contained shall be construed to authorize him to close up the old road until the commissioners of the roads for Salem shall have inspected the said altered road, and agreed to accept the same.

XXXII. *And be it further enacted* by the authority aforesaid, That the ferry heretofore established and vested in Spilsby Glenn and James Thomas, on Broad river, be, and the same is hereby, re-established, and vested in the said Spilsby Glenn and James Thomas, their heirs and assigns, for the term of fourteen years, on the same terms as James and Thomas Moor-man's, with the same rates of ferriage as heretofore allowed. Thomas's ferry.

XXXIII. *And be it further enacted* by the authority aforesaid, That Samuel Bennet, James Long, William Hetton, John G. Frierson and Richard Ridgell, commissioners heretofore appointed to lay out a new road in Sumter district, be, and they are hereby, authorized and empowered to change the direction of the said road at the plantation of James Johnson, as to them shall seem fit and expedient. Road in Sumter district.

XXXIV. *And be it further enacted* by the authority aforesaid, That there shall be a new road laid out, opened, and kept in repair in the district of Sumter, commencing at Samuel Harvin's, on the road from Sumterville to Charleston, from thence by Sarah Hodges, Thomas E. Diekey's, to intersect the Bruinton road, at or near Samuel Nelson's old field; New road to be laid out in said district.

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and that Samuel E. Nelson, William Plowden, Samuel Harvin, Samuel B. Davis and Benjamin Hodges, sen., be appointed commissioners, to lay out and open said road.

Road in Williamsburgh discontinued.

XXXV. *And be it further enacted* by the authority aforesaid, That the road in Williamsburgh district, called the Samuel James' road, be discontinued from an old field opposite to William Brown's, to its intersection with the main road, near William Cooper's plantation, in Indian town.

W. D. Martin permitted to shut up a road.

XXXVI. *And be it further enacted* by the authority aforesaid, That William D. Martin be, and he is hereby, permitted to shut up so much of the road leading from Coosawhatchie to Cypress creek, as lies between Slab Branch and the hill nearest to Boggy Gut; and that the road now used from Slab Branch to the summer settlement called Erin, and from thence to Boggy Gut, be, and the same is hereby declared, a public road, in place of the one hereby authorized to be closed up.

Comm'rs. in St. Luke's, when to meet.

XXXVII. *And be it further enacted* by the authority aforesaid, That the board of commissioners of the roads for the parish of St. Luke's, shall hereafter meet on the second Saturday in February and July, in each and every year, instead of the times heretofore established by law.

Two boards in Fairfield.

XXXVIII. *Be it further enacted* by the authority aforesaid, That there shall be two boards of commissioners of the roads for Fairfield district, one for each regiment of militia within the said district, each of which boards shall severally meet at such place within their jurisdiction as may be agreed on by a majority of such board, on the first Monday in March, June and September, in each and every year, and shall possess and exercise all the powers, and be liable to all the penalties, incident to the office of commissioner of the roads, except the power of granting licenses to retailers of spirituous liquors and tavern keepers.

Comm'rs. appointed in Fairfield.

XXXIX. *And be it further enacted* by the authority aforesaid, That John Buchannan, Rowlin Rugely, Abraham Ferguson, Hardaway Watson, William Brown, James Kennedy, Jun., Joseph Caldwell, and John Rieves, be, and they are hereby appointed, commissioners of the roads for the twenty-fifth or McCreight's regiment; and that Jesse Havis, John L. Yonague, John Simonton, Henry Macon, Thomas I. Cook, Thomas Lyles, Jonathan Davis and James Russell be, and they are hereby appointed, commissioners of the roads for the 24th or McMeekin's regiment; and the persons composing the two boards of commissioners of the roads hereby created, shall meet at Winnsborough on the first Tuesday after the first Monday in January, in each and every year, for the purpose of granting licenses to retailers of spirituous liquors and tavern keepers.

Road from Hamburg.

XL. *And be it further enacted* by the authority aforesaid, That the board of commissioners of roads for the lower battalion of Col. Whatley's regiment in Edgefield, together with Henry Shultz, or a majority of them, be, and they are hereby, authorized to lay out and make a road from Hamburg, the nearest and best way, to Briton Mims's, on the main Columbia road, about four miles distant from Hamburg: also, to lay out and make a road from Hamburg over Horse creek, to intersect the Main road from Charleston and Purysburg to Augusta; and that John Terrence, Stephen Williams and M. C. Leavenworth be, and they are hereby, appointed commissioners to assess the damage done to the lands over which the said roads may pass, if any compensation be claimed by the owners thereof: *Provided*, the said Henry Shultz does and shall pay the amount of said compensation, should any such be claimed.

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XXI. *And be it further enacted* by the authority aforesaid, That William McKenzie be, and he is hereby, authorized and empowered to build a bridge over the Congaree, opposite the town of Columbia, at the western extremity of Gervais-street, and that the said bridge, when completed, shall be, and is hereby, vested in William McKenzie, his heirs and assigns, forever, in fee simple. *Provided*, that the grant herein made to the said William McKenzie, shall not be construed to prevent the Legislature from authorizing any other bridge to be built, or from granting any ferry over the Congaree river, in the vicinity of the same spot, if, at any time, it shall be deemed expedient.

Bridge to be
built by Wm.
McKenzie.

XLII. *And be it further enacted* by the authority aforesaid, That the building of the said bridge hereby authorized, shall be commenced within six months from and after the passing of this Act, and shall be entirely finished and fit for use within three years, else this grant herein and hereby made to the said William McKenzie, shall be utterly [void] and of no effect; and that when the said bridge shall be finished, the said William McKenzie, his heirs and assigns, shall, at all times, cause the same to be kept in good repair; and if he or they shall, at any time, neglect or fail to keep the said bridge in repair as aforesaid, he or they shall be liable to be indicted, and on conviction, shall be fined in a sum not exceeding five hundred dollars.

When to be
completed.

XLIII. *And be it further enacted* by the authority aforesaid, That in building the said bridge, the said William McKenzie shall not in any way obstruct or interrupt the navigation of the Congaree river, or in any degree prevent the execution of any plan that may have been or may be devised for improving the navigation of the said river.

Navigation not
to be obstruct-
ed.

XLIV. *And be it further enacted* by the authority aforesaid, That the said William McKenzie, his heirs and assigns, may fix and establish, and shall be entitled to receive, for passing the said bridge, such rates or tolls as he or they, from time to time, shall deem expedient. *Provided*, that the annual income from such toll shall, at no time, exceed twenty per cent per annum on the amount of money expended in the erection of said bridge and keeping it in repair; to ascertain which, the said William [McKenzie,] his heirs and assigns, shall keep books, in which entries shall regularly be made of all expenditures and receipts; which books shall be subject to the examination of the commissioners of the roads for Richland district. And *provided also*, that no person shall be required to pay any toll for passing the said bridge, who is, by law, exempted from paying ferriage at any of the public ferries in this State.

Rates of toll.

XLV. *And be it further enacted* by the authority aforesaid, That in case the said William McKenzie shall be under the necessity of using private property for the erection of the western abutments of his bridge, or for connecting his bridge with the main road, and in case the proprietor of the said land, and the said William McKenzie, cannot agree as to the price, then the same shall be valued by five commissioners, or a majority of them, to be appointed by the court of Equity or Common Pleas for Lexington district; and upon the payment of the said valuation, by the said William McKenzie, the land so valued shall vest in him in fee simple.

Private property
used, to be
paid for.

XLVI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the Tax Collector of Abbeville district to divide, equally, the money arising from the road tax of said district, amongst the four boards of commissioners of said district.

Road tax divi-
ded.

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Different
boards to build
and repair
bridges.

XLVII. *And be it further enacted*, That the respective boards in the different battalions in said district, shall be, and are hereby, authorized to contract for and build all necessary bridges and repairs within their respective battalions, and for this purpose, are authorized to use, not only their portion of the general road tax, but to retain all money arising from the sale of estrays, licenses, fines, and other funds that may accrue within their respective jurisdictions.

XLVIII. *And be it further enacted* by the authority aforesaid, That a Harrison's ferry public ferry be, and the same is hereby, established over Tugaloo river, opposite to the town of Andersonville, on the road leading from the said town to Cainesville, and that the same be vested in James Harrison and Samuel G. Earle, and their heirs and assigns, for fourteen years; and that they be allowed to take and receive the following rates of ferriage, to wit:—for every wagon or other four wheeled carriage, fifty cents; for every two wheeled carriage, twenty-five cents; for every man and horse, six and a quarter cents; for every hogshead of tobacco, twenty-five cents; and for every head of horses, cattle, hogs or sheep, two cents.

XLIX. *And be it further enacted* by the authority aforesaid, That from Three days notice to be given, and after the passing of this Act, three days notice shall be deemed sufficient to call out the hands liable to work on the roads.

Bridge to be
built over
Black river
swamp.

L. *And be it further enacted* by the authority aforesaid, That a public ferry be established on Black River Swamp, at Kingstree Bridge, and that the same be vested in the commissioners of the roads for Williamsburgh district, for the term of ten years; and that the following rates be, and are hereby, established, to wit:—for every wagon or other four wheeled carriage, fifty cents; for every oart or chair, twenty-five cents; for every man and horse, twelve and a half cents; for every head of black cattle, four cents; for every head of horses, two cents; for every head of hogs, sheep, goats and turkies, one cent.

Former Act,
altered.

LI. *And be it further enacted*, That so much of the laws now in force, as prohibits the erection and keeping billiard tables within the distance of fifteen miles from the town of Columbia, be repealed. And that the said prohibition, from and after the passage of this Act, be taken and received, and is hereby declared, to extend to the distance of ten miles from the said town, under the same penalties and restrictions for that distance, as heretofore existed with regard to the prohibition for fifteen miles.

Who exempt.

LII. *Be it enacted*, That from and after the passing of this Act, no minister of the Gospel, nor any public preacher of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be, personally, liable to work on any public road, highway or bridge.

Black river to
be made navi-
gable.

LIII. *And be it further enacted* by the authority aforesaid, That Wm. Frierson, Ebenezer Gibson, Robert Frierson, Sen., William Montgomery, John B. McClary, William Camlin, jr., Henry Miller, John Hawkins, Robert Lester, and Isaac Nelson, jr., be, and they are hereby appointed, commissioners, to open and improve the navigation of Black river, from Benbow's ferry to North's ferry, on said river, who shall be called and known by the name of "The Black River Board of Commissioners;" and all the male inhabitants, between the ages of sixteen and fifty years, living within six miles of the said river, shall be, and are hereby made, liable to work on the same, under the direction of the said commissioners, six days in each year, if required, and no more. And they are hereby empowered and required to put in force all those Acts formerly enacted to regulate and improve the navigation of Black river.

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LIV. *And be it further enacted* by the authority aforesaid, That the board of commissioners of roads for Prince William's Parish, shall, hereafter, meet and transact the business of the Board, at such place as a majority of the commissioners shall, from time to time, appoint; any law, custom or usage to the contrary notwithstanding.

Meeting of the
board for P.
William's.

LV. *And be it enacted* by the authority aforesaid, That Samuel Cherry, Enoch B. Benson, and Joseph V. Shanklin, be, and they are hereby appointed, commissioners of the streets for the town of Pendleton; and they, or any two of them, and their successors in office, are hereby vested with all the powers, within the limits of the said town, and within the distance of twelve hundred yards, in every direction from the court house in the said town, that are by law vested in commissioners of roads.

Commissioners
appointed.

LVI. *And be it further enacted*, That the inhabitants of the said town, and all persons residing within the limits aforesaid, who are now compelled by law to work on the roads, shall be liable to work, any number of days, not exceeding twelve days in each year, on the streets and public squares of the said town; and also, on all public roads leading to and from the said town, to the distance of one mile from the court house in the said town; and are hereby declared to be exempted and excused from working on the public roads without the bounds and limits above prescribed. *Provided, nevertheless*, that it shall and may be lawful for any person residing within the bounds and limits aforesaid, and liable to work as aforesaid, to pay to the commissioners of the streets aforesaid, the sum of fifty cents for each day he may be required to work, in lieu of the labor he may be called on to perform on such day. And in case any person liable to work as aforesaid, shall not pay to the said commissioners the said sum of fifty cents, on or before the day appointed to do such labor, and shall refuse or neglect to perform such work, he shall be liable to such penalties as are by law inflicted on those who neglect to work on the roads.

Who to work
on streets.

LVII. *And be it further enacted*, That it shall be the duty of the said commissioners and their successors, to cause to be kept in good repair the streets and public squares in the said town; and also, all the public roads leading to and from the said town, to the distance of one mile from the court house in the said town; and for a neglect of duty therein, they shall be prosecuted and punished, in the same manner, and to the same extent, as the commissioners of the roads are now prosecuted and punished for such neglect.

Streets to be
kept in repair.

LVIII. *And be it further enacted*, That the said commissioners and their successors in office, shall have power to grant licenses to retail spirituous liquors, and tavern licenses, within the limits of the said town, and to receive the fees for the same; to be appropriated to the repairs of the streets and public squares in the said town.

Comm'rs to
grant licenses.

LIX. *And be it further enacted*, That on the second Monday in April next, and on the second Monday in April, in every year thereafter, an election by ballot, for three commissioners of the streets, shall be held at some convenient and public place in the town of Pendleton, to be conducted and held by the commissioners for the time being, who shall give ten days public notice thereof; and that all free white male inhabitants of said town, and within the limits and bounds above prescribed, who are liable by law, at the time of such election, to work on roads, shall be entitled to a vote for the said commissioners; and the persons so elected shall be successors in office of the commissioners appointed by this Act. And in

Election to be
held.

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case any vacancy shall at any time occur in the said board, by death, resignation or removal from the town of any commissioner, the commissioners remaining in office shall have power to nominate some proper person to serve as a commissioner until the next election.

Bridge to be kept in repair. LX. *And be it further enacted*, That it shall be the duty of the said commissioners, in addition to those above imposed, to keep up and in good repair, a substantial bridge on the Eighteen Mile Creek, on the road leading from Pendleton court house to Pickens's ferry.

Elections in case of failure. LXI. *And be it further enacted*, That in case of omission, by neglect or accident, or by any casualty, of the said commissioners, to hold the election for future commissioners, on the day prescribed by this Act, that then, and in such case, the said commissioners shall have power to hold and conduct the said election on some future and other day, as early as may be consistent with the time required for giving due notice of such election, and the said commissioners so elected shall be deemed as duly elected.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of American Independence.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2314. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

Road changed. I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Bates be, and he is hereby, permitted to change the road from Greenville court house, along the middle fork of the Saluda, to the Gap called Gap creek, at the Mill of the said John Bates, in such manner as the commissioners of the roads for that part of Greenville may approve and direct.

Road. II. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Lexington district shall cause to be laid out, opened and kept in repair, a public road from Lexington court house, the nearest and best way, towards Orangeburgh; but nothing herein contained shall be construed to authorize them to open the said road further than the dividing line between Lexington and Orangeburgh districts.

Comm'rs. to ascertain damage done to J. S. Thomas. III. *And be it further enacted* by the authority aforesaid, That William Pledger, James Forness and James Cook, be, and they are hereby appointed, commissioners to assess and ascertain the damage done to John S. Thomas by opening a new road through his land and plantation, from the new court house in Marlborough district, by virtue of an Act passed at the last session of the Legislature.

IV. *And be it further enacted* by the authority aforesaid, That a public

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ferry over Tyger river, at the plantation of Elizabeth Lewis, in Union district, be, and the same is hereby, established, and vested in the said Elizabeth Lewis, her heirs and assigns, for the term of fourteen years; and that she be allowed the same rates of ferriage as are allowed by law at David Sims's ferry, on the said river.

Lewis's ferry,
over Tiger
river.

V. *And be it further enacted* by the authority aforesaid, That the meetings of the commissioners of the roads for Saint Matthew's parish, shall hereafter be held on the first Mondays in May and November, in each and every year.

Comm'rs. when
to meet.

VI. *And be it further enacted* by the authority aforesaid, That the road in Sumter district, called the Canal road, shall be altered in such manner as the said road has been lately laid out by the commissioners of the roads for Salem county; and that Mason Reams, Redden McCoy, Samuel McBride, John Bradley, James English and Robert Muldrow, be, and they are hereby appointed, commissioners to continue the said road to its intersection with the road to Brinton bridge; and the said commissioners be, and they are hereby, authorized to call on the commissioners of the roads for Salem and Claremont counties, to defray the expenses of erecting all bridges on the said road.

Road.

VII. *And be it further enacted* by the authority aforesaid, That William Ervin, William Stucky and William Josey, be, and they are hereby appointed, commissioners to open a new road from William Ervin's Mill, on the West side of Black river swamp, to the Dubose ferry road; and the commissioners of the roads for Salem county be, and they are hereby, required to designate the persons who are to open and work on the said road.

Road.

VIII. *And be it further enacted* by the authority aforesaid, That the bridge over South Edisto river, heretofore granted to Josias Keadel, be, and the same is hereby, re-established, and vested in James S. Guignard, his heirs and assigns, for the term of seven years; and that the same rates of toll be received thereat, as have been heretofore authorized by law.

Bridge over
Edisto river.

IX. *And be it further enacted* by the authority aforesaid, That the ferry over Combahee, heretofore granted to the legal representatives of Mrs. Mary Gowen, be, and the same is hereby, re-established, and vested in Arthur Middleton, Junior, his heirs and assigns, for the term of seven years; and that the same rates of toll and ferriage be received thereat, as have been heretofore authorized by law.

Gowen's ferry,
over Comba-
hee.

X. *And be it further enacted* by the authority aforesaid, That the ferry over the Wateree river, known by the name of Mickle's ferry, be, and the same is hereby, re-established, and vested in John Mickle, his heirs and assigns, for the term of seven years; and that he be allowed the same rates of ferriage as have been heretofore authorized by law, except that the said John Mickle shall, for each man and horse, be entitled to demand and receive twelve and a half cents.

Mickle's ferry,
over Wateree
river.

XI. *And be it further enacted* by the authority aforesaid, That Benjamin F. Trapier, George W. Heriot, Richard Anderson, J. M. Adkinson, John M. Taylor, J. R. Easterling, William Doughty, Francis Withers, D. McDowell, P. Fraser, J. G. Finkle, John S. Capers, J. Walker and William Lester, be, and they are hereby appointed, commissioners of the roads for Prince George Winyaw; and the said commissioners shall exercise all the powers, perform all the duties, and be liable to all the penalties, of other commissioners of the roads within this State.

Comm'rs. ap-
pointed.

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*Acts relating to Roads, Bridges and Ferries.*Bridge over
Saluda river.

XII. *And be it further enacted* by the authority aforesaid, That the bridge over Saluda river, belonging to William Gambrill, be, and the same is hereby declared, a public toll bridge, and vested in the said William Gambrill, for the term of fourteen years; and that he be allowed the same rates of toll as are allowed at Wilson's ferry, on the same river.

Road.

XIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Orange parish be, and they are hereby, required to cause to be opened and kept in repair, a public road from White-man's ford to Orangeburgh court house.

Kingsberry's
ferry, over
Catawba river.

XIV. *And be it further enacted* by the authority aforesaid, That the ferry over the Catawba river, at Rocky Mount, be, and the same is hereby, re-established, for the term of fourteen years, and vested in Jane Kingsberry, who shall be allowed the same rates of ferriage as heretofore.

Puckett's ferry,
over Saluda
river.

XV. *And be it further enacted*, That a ferry shall be, and the same is hereby, established, over Saluda river, at the plantation of Richard Puckett; and that the same be vested in the said Richard Puckett, of the district of Abbeville, his heirs and assigns, for the term of fourteen years; and that it shall not be lawful for any person or persons to establish any ferry or bridge over the said river, during the said term of fourteen years, within three miles of said ferry. And also, that the following rates of toll are hereby fixed, and to be taken at said ferry, and no more, to wit:— for every horse, three cents; for every head of black cattle, two cents; for every head of sheep, goats or hogs, one cent; for every foot passenger, three cents; for every man and horse, six and a fourth cents; for every hogshead of tobacco, horse and driver, twenty-five cents; for every two wheel carriage, with a horse or horses and driver, twenty-five cents; for every four wheel carriage, with horses and driver or drivers, fifty cents.

Who exempt
from toll.

XVI. *And be it further enacted*, That all persons who are now exempted by law from paying toll or ferriage at any ferry or bridge now established in this State, shall be, and they are hereby declared to be, freed and exempted from the toll or ferriage at any bridge or ferry established by this Act. And that if the owners, keepers or proprietors of any of the said bridges or ferries, shall insist on, or compel, by threats or other means, or receive the payment of toll or ferriage from any person or persons so declared to be exempted from the payment of the same, or a greater sum than is allowed by law, that such person or persons, guilty of such exaction or reception, shall be subject and liable to a forfeiture of ten dollars, for the use of the person or persons illegally paying the same; to be recovered by warrant, under the hand and seal of any justice of the peace or quorum in this State, living in the district or districts adjoining said ferry, where such exaction or illegal reception shall or may be made as aforesaid.

Railing to be
put to bridges.

XVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the owners of all toll bridges which have been or may hereafter be chartered by the Legislature, to cause to be erected a good and sufficient railing, extending twenty feet from the ends of all such toll bridges, on each side of the road passing over such toll bridge.

Comm'rs. to be
divided.

XVIII. *And be it further enacted* by the authority aforesaid, That the board of commissioners of the roads for the parish of Saint John's Berkeley, be, and they are hereby, authorized to subdivide the said board into two parts, as nearly equal as possible; and each of the said divisions shall meet at such places as may be agreed on by them, on the first Monday in

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January, annually, and shall have power to receive all returns of work done on the roads within their divisions. And the whole of the said board shall meet annually on the first Monday in May, in each and every year, at Biggin church, in said parish, and shall collectively exercise all the powers and perform all the duties attached to the said board.

XIX. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, there shall be two boards of commissioners of the roads in the district of Chester, instead of one, as heretofore; and that the said two boards of commissioners shall be divided, arranged and constituted as follows, that is to say:—there shall be one board in the Eastern or Cheroy's regiment, which shall consist of the following persons, viz.—John Brown, David M'Cally, Junior, Samuel M'Creary, Junior, William Keath, Junior, William Fee, John Boyd, George Gill, Junior, John Douglass and James C'Clure, Esquires. There shall be one board for the Western or Stokes's regiment, which shall consist of the following persons, viz.—John Walker, William M'Cowen, Green B. Stokes, Thomas G. Bluet, Theodore Randal, John Menter, Obediah Robbins, William Wilks and Joseph Lewis. And the said boards of commissioners hereby constituted and appointed for the district of Chester, shall have power to fill any vacancy that may hereafter occur in either of them, in the same manner as is provided by law for other commissioners of the roads in like cases. And the said boards are hereby, severally, vested with the same powers, and are required to perform the same duties, within their respective limits, as other boards of commissioners are or may be by law vested with or made liable to perform. And the said boards of commissioners, and every member of the same, are hereby severally declared to be and made subject to all the pains and penalties for misconduct or negligence, which by law are or may be imposed on other commissioners in like cases.

XX. *Be it further enacted* by the authority aforesaid, That so much of the road as divides the two regiments, beginning at the York line, and leading from thence to Chester court house, be under the jurisdiction, and kept in repair by the commissioners of the Eastern regiment; and so much of the said road as lies between Chester court house and the Fairfield line, be under the jurisdiction and kept in repair by the commissioners of the Western regiment.

Road.

XXI. *And be it further enacted* by the authority aforesaid, That the said boards of commissioners hereby appointed in the district of Chester, shall hereafter meet three times in each and every year, that is to say—on the second Monday in March, the second Monday in June, and the second Monday in November, at the muster ground of the regiment to which they severally belong, or as near as practicable, for the convenience of each board, for the purpose of transacting all business which may require their attention within their respective limits; and that all the funds unappropriated in the hands of the said board heretofore existing in the district of Chester, shall be equally divided between the boards hereby constituted in each of the regiments.

Comm'rs. when to meet.

XXII. *And be it further enacted* by the authority aforesaid, That the board of commissioners of the roads for Barnwell district, shall be subdivided, and there shall hereafter be two boards, one for each regiment within the said district; and the present commissioners residing within each of the said regiments, shall constitute the board of commissioners for such regiment; and such boards shall respectively have and exercise all the

Two boards for Barnwell district.

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powers, perform all the duties, and be liable to all the penalties, which, by law, any board of commissioners of the roads within this State possess or are liable to; and that the said boards shall meet on the second Mondays of April and August in each year.

Where to meet.

XXIII. *And be it further enacted* by the authority aforesaid, That each of the said boards shall have power to agree on some central place within their divisions, at which their meetings shall be held. And each of the said boards shall be entitled to receive half the funds, and shall be liable to half the debts, of the present board of commissioners; and it shall be the duty of the present chairman of the board, to convene the board together for the purpose of dividing the funds and debts aforesaid.

Two boards for Richland.

XXIV. *And be it further enacted* by the authority aforesaid, That all the commissioners of the high roads and bridges within the district of Richland, shall be, and they are hereby, required to meet at Columbia, on the first Monday in February in each and every year, to make such assessments for the building and repair of the bridges within the said district, as the said commissioners, in their discretion, shall deem necessary, in addition to the funds now provided by law for that purpose. And the said commissioners, or a majority of them, shall have power and authority, and they are hereby empowered and authorized, when they deem it necessary, to assess all the taxable inhabitants of said district, in proportion to the general tax paid by said inhabitants; *provided*, that such assessment or tax levied, in any one year, shall not exceed one tenth of the general tax of said inhabitants, respectively; and *provided also*, that no other assessment or tax be made or levied by said commissioners, or either board thereof; and the tax collector for said district is hereby authorized and required to collect the same, for which service he shall receive the same percentage allowed him by law for collecting the public taxes; and the said tax collector shall have the same power and authority to enforce the payment thereof, and shall have a right to use the same compulsory process as is authorized by law for collecting the public taxes; and the said tax collector shall collect such assessment or tax, and pay the same to the treasurers of the two boards of said commissioners, in such proportion as the said commissioners shall direct, at or before the time fixed by law for paying the general taxes into the public treasury; and in case of default, he shall be liable to the same pains and penalties as are provided by law for any similar default in collecting and paying the general tax; *provided* that the said tax collector shall be furnished with the amount of such assessment or tax to be paid by each inhabitant, at least three months before the time fixed by law for making returns of the public taxes.

M'Kenzie's bridge, over Congaree.

XXV. *Whereas*, by Act of Assembly, passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, the right of erecting a bridge over the Congaree river, opposite the town of Columbia, was granted to William M'Kenzie, his heirs and assigns; and the said William M'Kenzie has since departed this life, without completing the said bridge, and the charter thereof has descended to James M'Kenzie, the heir at law of the said Wm. McKenzie; and the said James M'Kenzie has assigned the said charter to William Hall, James H. Taylor and Abraham Blanding, in trust for such company as may be incorporated for completing the said bridge; therefore, *Be it further enacted* by the authority aforesaid, That the following persons, that is to say, William Hall, M. Antonio, and Alexander Herbemont, be, and they are hereby appointed, commissioners, to receive subscriptions for five hundred shares in the said company, at the court

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house in the town of Columbia, between the hours of twelve o'clock meridian and two o'clock P. M. of each day of the week, beginning on the second Monday of January next; unless the said shares should be sooner subscribed; but in case the said shares should not be subscribed during the said week, it shall be lawful for the said commissioners to receive private subscriptions for the same during three months next thereafter. The capital stock of the said company shall be divided into five hundred shares, and there shall be paid to the said commissioners, at the time of subscribing, on each share subscribed, the sum of ten dollars, which shall be immediately deposited in the branch of the Bank of the State of South-Carolina, at Columbia, to the credit of the said company: And when the whole of said stock shall be subscribed, the said subscribers paying their subscription money respectively, then being stockholders, and all persons who thereafter may become stockholders, shall be, and they are hereby, incorporated, and made a corporation and body politic, by the name and style of "The Columbia Bridge Company:" And the said company, by its said name and style, shall be, and is hereby made, capable in law to purchase, have, hold, take and possess, absolutely, any estate, real or personal, of what kind soever, and to sell, alien or otherwise disposed of the same; and also, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court whatever: and also, to have and use a common seal, and the same to change, destroy or renew at pleasure; and also, to appoint such officers as may be deemed necessary and proper; and also, to make and establish such rules, regulations and by-laws, as shall seem necessary and convenient; and also, to take from the said William Hall, James H. Taylor and Abram Blanding, an assignment of the said charter granted to the said William M'Kenzie for the bridge aforesaid, and to hold the said bridge in fee simple; and the said company shall be thereafter entitled to all the rights and privileges therein granted to the said William M'Kenzie, and be subject to all the conditions and liabilities to which the said William M'Kenzie was therein subjected; except that the said company shall be allowed four years from the passing of this Act, to complete said bridge.

XXVI. *And be it further enacted* by the authority aforesaid, That John Gage, Jr., A. W. Thompson and John Rogers, be, and they are hereby appointed, commissioners of the streets for Union Village; and they, or any two of them, and their successors in office, are hereby vested with all the powers, within the limits of the said village, and within the distance of one mile in every discretion from the court house in said village, that are by law vested in the commissioners of the roads.

XXVII. *And be it further enacted* by the authority aforesaid, That the inhabitants of the said village, and all persons residing within the limits aforesaid, who are now compelled by law to work on the roads, shall be liable to work, any number of days not exceeding twelve, in each year, on the streets and public squares of the said village, and also on all public roads leading to and from the said village, to the distance of one mile from the courthouse in said village, and are hereby exempted and excused from working on the public roads without the limits and bounds prescribed.

XXVIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said commissioners to keep, or cause to be kept, in good repair, the streets and public squares in said village, and also, all public roads leading to and from the village, to the distance of one mile from the court house in said village; and for neglect of duty therein, they

*Comm'rs. of
streets for
Union village.*

*Inhabitants to
work on the
streets.*

*Streets to be
kept in good
repair.*

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shall be prosecuted and punished, in the same manner and to the same extent as the commissioners of the roads are now prosecuted and punished for such neglect.

Licenses to be granted.

XXIX. *And be it further enacted* by the authority aforesaid, That the commissioners, and their successors in office, shall have power to grant licenses to retail spirituous liquors, and tavern licenses, within the limits of the said village, and to receive the fees for the same, to be appropriated to the repairs of the streets and public squares in the said village.

Elections to be held.

XXX. *And be it further enacted* by the authority aforesaid, That on the second Monday in April next, and on the second Monday in April in every year thereafter, an election, by ballot, for three commissioners of the streets, shall be held at some convenient place in the village of Union, to be conducted and held by the commissioners for the time being, who shall give ten days notice thereof; and that all free white male inhabitants of the said village, and within the limits of the bounds prescribed, who are liable by law, at the time of such election, to work on roads, shall be entitled to vote for the said commissioners; and the persons so elected shall be the successors in office of the commissioners appointed by this Act. And in case any vacancy shall at any time occur in the said board, by the death, resignation, or removal from the village, of any commissioner, the commissioners remaining in office shall have power to nominate some proper person to serve as a commissioner until the next election.

Commissioners when to meet.

XXXI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the times of the meetings of the commissioners of the roads for the lower battalion of Richland district, be, and the same is hereby, changed, and hereafter the said commissioners shall assemble at their former place of meeting on the second Monday in March and July of each and every year, for the transaction of the business incident to their office.

Part of a former Act repealed.


XXXII. *And be it further enacted* by the authority aforesaid, That the fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, and sixty-first sections of an Act passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, entitled "An Act to establish certain roads, bridges and ferries, and for other purposes," be, and the same is hereby, repealed, from and after the first Monday in April next.

Earle's ferry.

XXXIII. *And be it further enacted* by the authority aforesaid, That the ferry over Keowee river, at the town of Andersonville, be re-established, and that the same be vested in Samuel Earle, his heirs and assigns, for the term of fourteen years, and during that time the following rates of ferriage shall be paid:—for every four wheeled carriage, with horses drawing the same and driver, fifty cents; for every two wheeled carriage, with horses and driver, twenty-five cents; for every hogshead of tobacco rolled, and horses with driver, twenty-five cents; for every man and horse, seven cents; for every foot passenger, four cents; for every head of hogs, sheep and goats, two cents; for every head of black cattle, two cents; and no ferry or bridge shall be erected or established within two miles above or below the said ferry.

Road to be opened.

XXXIV. *And be it further enacted* by the authority aforesaid, That an old road leading from Pendleton court house to Harris's ferry, be opened and established, and that Henry M'Creary and Abner Ledbetter be, and they are hereby appointed, commissioners, to make such alterations in the same as they may deem expedient; and that the commissioners of roads in

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the forty-second regiment shall cause the said road, when marked out and defined by the said commissioners, to be opened, worked on and kept in repair, in the same manner as other public roads: *Provided*, that no person living on the west side of Seneca river shall be compelled to work on the said road.

XXXV. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Christ Church parish be, and they are hereby, authorized and empowered to straighten the neighbourhood road from Milton ferry, in the said parish, so that no more land be used in so doing, than is occupied by the present road, and so that the same may run in a straight direction to the said ferry: And the said commissioners of the roads be, and they are hereby, authorized and empowered to assess the value of the land used in straightening the said road; the amount of such assessment to be paid by the proprietor of the said Milton ferry, before opening the said road. Road to be straightened.

XXXVI. *And be it further enacted* by the authority aforesaid, That the road from Pudding swamp to the Black river road, near the brick church, be altered to run as follows: To leave the old road near the plantation of Dr. Way; thence to cross the meeting house branch, at the dividing line between the lands of William Mills and M. E. Muldrow; thence along the said line to Scott's old place, now belonging to the heirs of Eli M'Faddin. Road to be altered.

XXXVII. *And be it further enacted* by the authority aforesaid, That a new road shall be laid out, opened and kept in repair, in the parish of St. Matthews, as follows: Commencing at or near the plantation of John Rush, on the road from M'Cord's ferry to Charleston; thence, cross the Congaree road near the plantation of Thomas Baldrick; thence, the nearest and best route, to intersect the Fore Hole road below the Horse Range swamp, at or near the plantation of William Evans: And the commissioners of the roads through whose jurisdiction the said road shall pass, be, and they are hereby, required to cause the said road to be opened and kept in repair; and that William Jones and John Bull be appointed commissioners to lay out said road; and that they be commissioners of the roads for St. Matthews parish. Road laid out in St. Matthews.

XXXVIII. *And be it further enacted* by the authority aforesaid, That a new road shall be laid out by the commissioners of the roads for Newberry district, to run as follows: Beginning at the public square at the village of Newberry, below the gaol; thence on the line dividing the lands of Frederick Nance and Henry Coates; thence through the lands belonging to the estate of Col. R. Rutherford, to the line of William Summers; thence along a line already marked out by owners of the land to the branch on James Dobbin's land; thence on a line continued by the parties to John Harp's; thence to the old road near John Houseat's; thence on the old road to Belton's old store. New road to be laid out.

XXXIX. *And be it further enacted* by the authority aforesaid, That a new road shall be laid out, opened and kept in repair from the old Nation ford on the Catawba river, through the land of William E. White, to John Spring's mill, crossing Half Mile creek at said mill; thence through the land of Alexander Faires, near his house; thence through the lands of Ticir Joseph Young, Lemuel Thomason, William Gilmore, Abram Miller, Thomas Campbell, David M'Cance, M'Common, M'Elmoi and Pride, to the Chester line, near to a place called White's lower mill. New road to be laid out.

XL. *Whereas*, it is necessary, for the purpose of repairing and keeping in repair Lynch's causeway, and likewise for the purpose of facilitating

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Canal to be cut
out near
Lynch's cause-
way.

travelling over Lynch's island, that a canal should be made parallel and by the side of the said causeway: *Be it therefore enacted*, That from and immediately after the passing of this Act, the commissioners of Lynch's causeway are hereby empowered to call out all the slaves liable to work on the said causeway, for the purpose of cutting said canal; and that they do give three days notice thereof. And that Elias Horry, Henry Deas and Alexander Hume, be appointed commissioners of said causeway.

Banks to be
joined to the
said causeway.

XLII. *And be it further enacted* by the authority aforesaid, That the owners or occupants of land adjoining the said causeway, be authorized to join their banks to the said causeway; and if any owners or occupants of land adjoining the said canal or causeway, shall conceive themselves injured by the opening of the said canal, the aforesaid commissioners, or their successors, are hereby authorized to appoint two persons, and the owners or occupants of land so complaining, two persons, and if the persons so appointed shall not agree, then and in that case, three persons shall be appointed by the Court of Equity, who shall decide whether the said canal is injurious to complainants; and if it be so found, then the said commissioners shall forthwith close the said canal, under the penalty of being liable to the party aggrieved for any damages sustained by him, by the refusal or neglect of said commissioners to close the said canal; and in case either party shall neglect or refuse to appoint commissioners, or should such commissioners refuse to act, the Court of Equity or Common Pleas shall appoint three persons, on the application of either party, the majority of whom shall determine the matter submitted to them.

Road to be
opened in Pen-
dleton district.

XLIII. *And be it further enacted* by the authority aforesaid, That a road be laid out and opened in Pendleton district, to commence and leave the old Keowee road, at Peter Hall's old place, where Thomas Christian now lives; to run thence and intersect the road leading from Pickensville to Cambridge, at or near the widow Foster's old place, where John Merrett now lives: and that Archibald Nichols, Roger Murphy, David Guthrey, Ezekiel Murphy, James Telford, William Elliott and Joseph F. Rogers, or a majority of them, be, and are hereby appointed, commissioners to lay out and cause the aforesaid road to be opened.

No fire arms to
be discharged
on Charleston
Neck, except
for military
purposes.

XLIII. *And be it further enacted* by the authority aforesaid, That no fire arms shall be discharged, except for military purposes, on any part of Charleston neck lying between the boundaries of the city of Charleston and the lines; and any person who shall discharge any fire arms within the precinct aforesaid, contrary to the true intent and meaning of this Act, shall, for each offence, forfeit and pay the sum of five dollars, to be recovered before any magistrate, for the use of the commissioners of cross roads for Charleston neck.

Comm'rs. ap-
pointed.

XLIV. *And be it further enacted* by the authority aforesaid, That from and after the second Monday in October next, so much of an Act passed on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, entitled, "An Act to establish certain roads, bridges and ferries, therein mentioned," as directs the commissioners of the roads for Chesterfield district to be elected every fourth year, be, and the same is hereby, repealed; and that John Craig, Peter L. Robeson, Turner Bryan, John Wadsworth, John Middleton, Gillum King, John Dewitt, John Ellerbe, and John M. Pegues, be, and they are hereby appointed, commissioners of the roads for the said district, and shall enter upon the duties of their office on the second Monday in October next.

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XLV. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Williamsburgh district be required to meet on the first Monday in March, instead of the first Monday in April, in each and every year. Comm'rs. for Williamsburgh.

XLVI. *And be it further enacted* by the authority aforesaid, That the future regular meetings of the board of commissioners of the roads for Kershaw district, shall be at the court house in said district, on the second Monday in April and August in each and every year. And for Kershaw when to meet.

XLVII. *And be it further enacted* by the authority aforesaid, That the forty-fourth section of an Act entitled "An Act to establish certain roads, bridges and ferries," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, which directs that a road be laid out and opened in Abbeville and Edgefield districts, commencing at or near a place known by the name of the Scotch cross, on the Matthews road, and to run the nearest and best way to intersect the Five Notch road near Cuffeetown creek, be, and the same is hereby, repealed. Part of a former Act repealed.

XLVIII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, when any estray shall be taken up and appraised, if no owner shall appear within one month from the time of such appraisal, it shall be lawful for the magistrate before whom such estray shall have been brought, to cause the same to be sold, pursuant to the laws now of force in relation to estrays. Estrays to be sold in one month.

XLIX. *And be it further enacted* by the authority aforesaid, That the ferry on Catawba river, in York district, lately vested by an Act of the Legislature in Finny M'Clanahan, now deceased, be, and the same is hereby, re-established in John S. M'Clanahan, the son of the said Finny M'Clanahan, for the term of seven years, under the same regulations and rates of ferriage under which it was established in the Finny M'Clanahan, deceased. M'Clanahan's ferry.

L. *And be it further enacted* by the authority aforesaid, That the boards of commissioners of roads throughout the several districts and parishes of this State, shall, at their first meeting after the passing of this Act, divide their respective districts and parishes, or other road divisions, into as many subdivisions as there may be commissioners, and assign to each commissioner one subdivision, over which he shall have the exclusive superintendence and control; and each commissioner shall be responsible for the roads in the subdivision which shall be so assigned to him; and if at any time the roads shall be in such order as may require the interference of the judicial authority of the State, the said commissioners shall, severally and respectively, be liable to be proceeded against, in the same manner, and subject to the same penalty, as the several boards are now liable and subject for similar delinquencies. Road divisions to be subdivided.

LI. *And be it further enacted* by the authority aforesaid, That the several commissioners, in their respective subdivisions, shall be authorized to appoint warners and overseers, and to prescribe what tool or tools each hand shall furnish himself with: And if any free man, liable to work on any road, having been regularly summoned, shall fail to be so equipt, he shall forfeit and pay, for the use of the roads, for every tool he shall fail to carry with him as required, the sum of fifty cents: And if the owner of any slave or slaves, after due notice for that purpose, shall fail to furnish them with such tools as may be required, he or she shall, in like manner, forfeit and pay for each tool which they may so fail to furnish, the sum of Warners to be appointed in the subdivisions.

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fifty cents: *Provided*, that in all cases where it shall be shewn, to the satisfaction of the commissioners, that the person complained of was not in possession of the tool or tools required, no forfeiture shall be exacted; but any other suitable tool or tools shall be received in lieu thereof.

Penalty for refusing to act as a comm'r. LII. *And be it further enacted* by the authority aforesaid, That if any person hereafter elected or appointed a commissioner of the roads, shall refuse or fail to act, after having received notice of such election or appointment, he shall forfeit and pay, for the use of the roads, the sum of fifty dollars, to be recovered in the manner heretofore provided by law.

Road. LIII. *And be it further enacted* by the authority aforesaid, That the road leading from the Tumbling Shoals to Pendleton court house, and from Abbeville court house to Greenville court house, crossing the Saluda river at Gambrell's bridge, be, and the same is hereby declared, a public road; and the commissioners of the roads through whose jurisdiction the said road passes, are hereby required to work upon the same.

Road to be altered. LIV. *And be it further enacted* by the authority aforesaid, That there shall be appointed three commissioners, to wit: Charles Williams, Esq., Solomon Goodwin and Jacob Nabours, to lay off, alter or change two roads leading through the lands of Joel Allen and Solomon Goodwin, of Laurens district: And the said commissioners shall be authorized and required to lay off and change the said two roads, by and with the consent of the said Joel Allen and Solomon Goodwin, and place the same on better ground, if the same can be obtained.

Davis's ferry. LV. *And be it enacted*, That the ferry over Santee river, called Vance's ferry, the term of which will shortly expire, shall be re-established, and vested in John N. Davis, his heirs and assigns, for the term of fourteen years; and that the same rates of ferriage shall be taken and received at the same as are allowed and received at Murray's ferry.

Gourdin's ferry. LVI. *Whereas*, the term for which Lenud's ferry on Santee, and Hickson's ferry on Black river, having expired: *Be it enacted* by the authority aforesaid, That the said ferries be, and they are hereby, vested in Theodore Gourdin, the present owner, his heirs and assigns, for the term of fourteen years, at the same rates as those received heretofore at those ferries.

Commissioners when to meet. LVII. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, the commissioners in Salem county shall meet, to transact the business of the said county, on the second Mondays in April and August in each and every year.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

Acts relating to Roads, Bridges and Ferries.

A. D. 1824.

AN ACT TO REPEAL THE 48TH SECTION OF AN ACT ENTITLED "AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES," PASSED THE TWENTIETH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-THREE. No. 2329.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the forty-eighth section of an Act entitled "An Act to establish certain roads, bridges and ferries," passed the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, concerning the sale of estrays, shall be, and the same is hereby, repealed.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JNO. B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES. No. 2337.

I. *Be it enacted*, by the the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry over Santee river, commonly called Murray's ferry, be, and the same is hereby, vested in Theodore Gourdine, for the term of one year; and that he and his heirs and assigns be authorized to ask, demand and receive, the same rates of ferriage heretofore allowed by law at the same ferry. Gourdine's ferry on Santee.

II. *And be it further enacted*, That William Leadbetter be, and he is hereby, permitted, for the term of fourteen years, to continue his gate across the public road leading through his plantation, on Conoross Creek, in the district of Pendleton. Gate to be continued.

III. *And be it further enacted* by the authority aforesaid, That the ferry over Saluda river, in the district of Laurens, formerly called Childs's ferry, be, and the same is hereby, re-established, for the term of seven years. and vested in John Chappell, his heirs and assigns; who shall be allowed the same rates of ferriage as heretofore established by law. Chappell's ferry on Saluda.

IV. *And be it further enacted* by the authority aforesaid, That Kolb's ferry, over Peedee river, heretofore vested in James Pouncy, be, and the same is hereby, re-established, and vested in Alexander Sparks, his heirs and assigns, for the term of seven years; who shall be allowed the same rates of ferriage as have been heretofore allowed by law at the said ferry. Kolb's ferry on Peedee.

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*Acts relating to Roads, Bridges and Ferries.*McDonald's
ferry on Catawba.

V. *And be it further enacted* by the authority aforesaid, That McDonald's ferry, over the Catawba river, be, and the same is hereby, re-established, and vested in Thomas McDonald, his heirs and assigns, for the term of seven years; who shall be allowed the same rates of ferriage as heretofore allowed by law at the said ferry.

Ferry over
Broad river, in
whom vested,

VI. *And be it further enacted* by the authority aforesaid, That a public ferry be, and the same is hereby, established over Broad river, on the lands of the devisees of Ainsley Hall, John Thomas and Thomas Shelton, about one-fourth of a mile above the mouth of Tiger river; and the said ferry is hereby vested in the devisees of Ainsley Hall, John Thomas and Thomas Shelton, their heirs and assigns, as joint tenants, so that the devisees of Ainsley Hall and John Thomas shall receive one-half, and Thomas Shelton the other half, of the proceeds of the said ferry, for the term of seven years; who shall be allowed to ask, demand and receive, the same rates of ferriage as are allowed by law at the nearest ferry on the same river.

Road in Barnwell.

VII. *And be it further enacted* by the authority aforesaid, That the alterations, made by John Murphey, of the public road at or near his mill, on King Creek, in Barnwell district, be, and the same is hereby, established and confirmed as a public road.

Road in Sumter & Kershaw.

VIII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, worked on and kept in repair, in the districts of Sumter and Kershaw, to commence at the fork of the Stateburg and Sumterville road, near Carter's Crossing, on Scapewhore Swamp; thence, running across the Beaver Dam, up between the Beaver Dam and Scapewhore swamps, to the Kershaw line; thence along an old neighbourhood road across Swift Creek, at the Oaky ford, to the road leading from Dubose's ferry to Camden. And that Holloway James, Stephen Hanks, Daniel McLeod, Jesse Peeples, and William Whelden, be, and they are hereby appointed, commissioners, to cause the said road to be opened; but no other person or persons shall be compelled to open or to work on the said road at any time, except the inhabitants residing in the fork of Scapewhore and Beaver Dam swamps.

Road in Saint Stephen's.

IX. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and kept in repair, in the parish of Saint Stephen's, beginning at some convenient point on the new road across Savana Creek, and running, the nearest and best way, so as to intersect the Canal road to Charleston, at or near Biggin Church; and that William Dubose, Jeremiah Wright, and John Calvitt, jr., be, and they are hereby appointed, commissioners, to cause the said road to be opened, who shall have power to call out all the male inhabitants liable to work on the said road, as other commissioners are by law empowered to do.

Road in Lancaster.

X. *And be it further enacted* by the authority aforesaid, That the alterations made in the public road in Lancaster district, by Leroy Secrist, be, and the same is hereby, confirmed and established as a part of the public road.

Road through
Cantelon's
land.

XI. *And be it further enacted* by the authority aforesaid, That an old road called the New Market road, passing through the plantation of Wm. B. Cantelon, be, and the same is hereby, discontinued, and a new road, opened by Samuel Cantelon, through his land, be, and the same is hereby, established and declared a public road, in lieu of the road hereby discontinued.

XII. *And be it further enacted* by the authority aforesaid, That the

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ferry over the Savannah river, at Fort Moore Bluff, and vested in the Rev. Thomas Lamar, be, and the same is hereby, re-established, and vested in Abner Whatley, his heirs and assigns, for the term of seven years, with the same rates of ferriage heretofore allowed at the said ferry. Lamar's ferry on Savannah.

XIII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, worked on and kept in repair, from Eli Gordon's ferry, on Tiger river, the nearest and the best way, to intersect the Charleston road at or near Colonel Maybin's, in Newberry district; and that John Caldwell, Jesse Maybin, and Barber Hancock, be, and they are hereby appointed, commissioners, to lay out and open said road. Road from Gordon's ferry on Tiger river.

XIV. *And be it further enacted* by the authority aforesaid, That there shall be exempted from the performance of militia, patrol and road duty, one shepherd for every two hundred sheep, two shepherds for every four hundred sheep, and so on, in the same proportion for any greater number. Shepherds exempt from militia and patrol duty.

XV. *And be it further enacted* by the authority aforesaid, That the bridge over Enoree river, formerly granted to Nathaniel Durkie, be, and the same is hereby, re-established, and vested in Daniel McKee, his heirs and assigns, for the term of seven years; with the same rates of toll heretofore allowed at the said bridge. Durkie's bridge on Enoree.

XVI. *And be it further enacted* by the authority aforesaid, That the bridge over Enoree river, erected by Starling Tucker, be, and the same is hereby, declared and established as a toll bridge, and vested in the said Starling Tucker, his heirs and assigns, for the term of seven years; who shall be allowed to receive the same tolls as have been heretofore received at Durkie's bridge, on the same river. Tucker's bridge on Enoree.

XVII. *And be it further enacted* by the authority aforesaid, That the road in Chester district, commonly called the Saluda road, from the York line, by McCluney's old field, to Chester court house, shall be under the jurisdiction, and shall be worked on and kept in repair by the eastern board of commissioners for the said district of Chester. Road in Chester.

XVIII. *And be it further enacted* by the authority aforesaid, That a public road from China Grove to Euhany ferry, in the parish of Prince George Winyaw, shall be laid out, opened and kept in repair; and that John Campbell, Joseph Harrelson, Matthew Allen, Daniel Bath, and Benjamin Green, be, and they are hereby appointed, commissioners, to lay out and open the said road. Road from China Grove to Euhany ferry.

XIX. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and kept in repair, commencing on the Augusta road, at or near the plantation of John Lightsey, in Saint Bartholomew's parish; thence across Edisto river, at or near Box's ferry; and thence to the road from Charleston to Columbia, at or near the plantation of John May, in Saint George's parish; which road may be laid out, opened and kept in repair by the said John May. And a public ferry over the Edisto river shall be, and the same is hereby, established where the said road shall cross the said river, and the same is hereby vested in the said John May, his heirs and assigns, for the term of fourteen years; with the same rates of ferriage as are allowed by law at the nearest ferry on the same river. Road and ferry established over Edisto.

XX. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and kept in repair, in the district of York, commencing at Dr. Laneir's, on the east side of Catawba river; and thence, the nearest and best way, over the said river to William Gilmore's; Road in York.

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thence to Abraham Gill's old place, on the Saluda road. And that a public ferry be established where the said road crosses the Catawba river, and vested in Dr. Laneir and — Hagens, the owners of the land on both sides of the river, for the term of seven years; and that they be allowed the same rates as are now allowed at McClanahan's ferry.

Road in Sum-
ter.

XXI. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and kept in repair, in the district of Sumter, to commence at the fork of the Camden and Mount Zion Church roads, near the plantation of the late William Carter; thence, to run the nearest and most convenient way, to the road leading from Sumterville across Scapewhore, near the house of Matthew P. Mays; thence to the Canal road. And that Robert Wilson, Henry Cassels, David McLeod, Stephen Lacost, Absalom Wilson, James D. Wilson, and John D. Alexander, be, and they are hereby appointed, commissioners, to open the said road; and that they be authorized to call out, to open and work on the said road, the hands of Moses B. McLeod, Roger McLeod, Mrs. Anderson, Straghn Conyers, Thomas Wilson, William Wilson, Edward Anderson, William E. Herring, and Peter F. Wilson, for the term of two years; after which, the said road shall be under the jurisdiction of the commissioners of the roads.

Murphy's
bridge on Edisto.

XXII. *And be it further enacted* by the authority aforesaid, That Murphy's bridge, on the Edisto river, be, and the same is hereby, re-established as a toll bridge, for the term of seven years, and vested in the heirs at law of N. Walker; and that they be allowed to take the same toll as heretofore allowed by law.

Huggins's fer-
ry on Lynch's
creek.

XXIII. *And be it further enacted* by the authority aforesaid, That Newman's ferry, on Lynch's Creek, be, and the same is hereby, re-established, and vested in Redden B. Huggins, the present owner, his heirs and assigns, for the term of seven years; and that he be allowed the same rates of ferriage as heretofore allowed by law.

Road from
Peay's ferry on
Wateree.

XXIV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and kept in repair, from Peay's ferry, on the wateree river, the nearest and best way, to intersect the Beaver Creek road at or near the plantation of Dr. David George; and that Joseph Garlick, John Bell, Jesse Giles, Roland Cornelius, and S. Coates, be appointed commissioners to lay out and open the said road.

Road from Old
Nation Ford on
Catawba.

XXV. *And be it further enacted* by the authority aforesaid, That the road heretofore ordered to be laid out from the old Nation Ford, on the Catawba river, to the Chester line, above White's lower mill, be, and the same is hereby ordered to be, continued; and a new road shall be laid out, opened and kept in repair, from the termination of the said road, through the lands of William McGlammery, Robert Robinson, the widow Carr, and Charles Boyd, to the place where the eastern board of commissioners of the roads for Chester district have selected as a site for a bridge over Fishing Creek, below Boyd's Mill; thence, through the lands of the said Boyd, John Gaston, and Andrew Wherry, to intersect the Old Rocky Mountain road, at Maffatt's store; and that Capt. Andrew Wherry, Charles Boyd, and James Lee, be appointed commissioners to lay out the said road; which road, when laid out, shall be opened and kept in repair by the eastern board of commissioners of roads for Chester district; who are also hereby authorized to change the road from Chester court house to Lancaster Court house, so as to pass over the aforesaid bridge.

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XXVI. *And be it further enacted* by the authority aforesaid That Jos. Kirkland, Isaac Knox, Adin Tilman, Ezekiel Mayhew, John Barnes, Joseph Patterson, and John Brown, be, and they are hereby appointed, commissioners, to examine the ground, and report to the Legislature at the next session, the most eligible site for a new road, to be laid out from Mickle's ferry, on the Wateree river, to Colonel D. Miller's, on the Lancaster road from Camden. Commissioners to report.

XXVII. *And be it further enacted* by the authority aforesaid, That Benjamin Chambers, Andrew McWhorter, and Tines W. McNeel, be, and they are hereby appointed, commissioners of the streets for the village of Yorkville; and they, or a majority of them, and their successors, are hereby vested with all the powers vested by law in the commissioners of roads, over all the streets and roads lying within half a mile of the court house of the said village; and persons liable to work on public roads, residing within the limits aforesaid, shall be liable to work on the said streets and roads, not exceeding twelve days in each year, and shall be exempted from working on any other public road. Commissioners of streets for Yorkville.

XXVIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said commissioners to cause all the streets and public roads within the limits aforesaid to be kept in good repair; and for neglect of duty, they may be punished as other commissioners of the roads are now punished by law. Streets and roads to be kept in repair.

XXIX. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power to grant licenses to retail spirituous liquors and tavern licenses within the limits of said village, and to receive the fees of the same; to be appropriated to the repairs of the streets and roads aforesaid. Licenses to be granted.

XXX. *And be it further enacted* by the authority aforesaid, That the commissioners of the streets for the village of Yorkville, appointed by this Act, shall continue in office until the first Monday of January, in the year one thousand eight hundred and twenty-six, on which day, and on the same day in every subsequent year, an election shall be held for three commissioners of streets for the said village, to be held by the commissioners for the time being, who shall give ten days notice thereof; and all free white male inhabitants, residing within the limits aforesaid, and who shall have resided six months previous to such election, and liable to work on the public roads by the laws of this State, shall be entitled to vote for the said commissioners; and in case any vacancy shall occur by death, resignation or removal from the village, of any of the said commissioners, the other commissioner or commissioners shall have power to nominate some person to fill such vacancy until the next election. Future elections, when to be held.

XXXI. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power, and it shall be their duty, to cause patrol duty to be performed by the inhabitants of the said village, and within the above prescribed limits, by those who are now liable by law to perform patrol duty within the same; and to inflict the same fines and penalties for refusal or neglect, as are now imposed by law; and the said inhabitants are hereby exempt from the performance of patrol duty, beyond the said above prescribed limits. Patrol duty to be performed.

XXXII. *And be it further enacted* by the authority aforesaid, That an old road in the parish of Saint George, intersecting the Augusta road a little below Ferguson's plantation, and passing thence through the old Road in Saint George's.

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rice fields, and intersecting the Blackhill road at or near Waring's plantation, be, and the same is hereby, declared and established as a public road; and that Joseph H. Waring, George Hughs, and Mr. Blunt, be appointed commissioners to open the said road, and to ascertain the precise grounds over which the said road originally passed. *Provided*, that the said road shall be opened and kept in repair by and at the expense of Isaac Randolph, the proprietor of the line of stages from Columbia to Charleston.

XXXIII. *And be it further enacted* by the authority aforesaid, That the western board of commissioners of the roads for Clarendon, shall, hereafter, hold their meetings on the second Mondays in April and August, in each and every year.

XXXIV. *And be it further enacted* by the authority aforesaid, That a public ferry over Savannah river, at a place formerly called Barksdale's ferry, be, and the same is hereby, established, and vested in Hickerson Barksdale and Thomas Barksdale, their heirs and assigns, for the term of seven years, and that they be allowed to take the following rates of ferrage, viz:—for every wagon and team and other four wheeled carriage, seventy-five cents; for every chair, cart or other two wheeled carriage, twenty-five cents; for every man and horse, twelve and a half cents; for every foot passenger, six and a quarter cents; for every head of cattle, sheep, hogs or goats, ferried or swam over, two cents; and for every hogs-head of tobacco, driver and horses, twenty-five cents.

XXXV. *And be it further enacted* by the authority aforesaid, That a public road in Abbeville district, called the New Cut road, formerly ordered to be opened by the commissioners of the roads for that district, be, and the same is hereby, discontinued as a public road.

XXXVI. *And be it further enacted* by the authority aforesaid, That Joseph Williams be, and he is hereby, authorized to rebuild his bridge over Saluda river, on the road from Pendleton court house to Greenville court house, and that the same be vested in him, his heirs and assigns, for the term of seven years; and that he be allowed the following rates of toll. For market wagons, thirty-seven and a half cents; pleasure carriages, with four wheels, twenty-five cents; and all two wheeled carriages, twelve cents; man and horse, six and a quarter cents; every head of horses or cattle, three cents; for every head of hogs, one and a half cents.

XXXVII. *And be it further enacted* by the authority aforesaid, That two new roads in Edgefield district, laid out and opened by Henry Shukz, one from Martintown road, across Big Stephens's Creek, to the road leading across Savannah river, at Fury's ferry; the other, from the junction of the Martintown and Edgefield court house roads, through Hamburgh to the Augusta bridge, be, and they are hereby, established as public roads, and shall be worked on and kept in repair as such.

XXXVIII. *And be it further enacted* by the authority aforesaid, That Richard Edgeworth, John Mulloy, and Joseph Ellerbe, be, and they are hereby, added to the commissioners of the roads for Chesterfield district, in addition to the present board of commissioners for that district.

XXXIX. *And be it further enacted* by the authority aforesaid, That the ferry over the eastern branch of Cooper river, commonly called Bonneau's ferry, be, and the same is hereby, re-established and vested in Mrs. Floride Calhoun, her heirs and assigns, for the term of fourteen years, and that she be allowed to ask, demand and receive the same rates of ferrage heretofore allowed, except for four wheeled carriages, for which she shall demand no more than fifty-cents.

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XL. *And be it further enacted* by the authority aforesaid, That Thomas Brantly, sen., Peter Vaught, Samuel Waller, George King, Cornelius Sarvice, Joshua John Ward, and Robert Nesbit, be, and they are hereby appointed, commissioners of the roads for All Saints parish; and the said commissioners are hereby required to keep in repair a road leading from Gause's ferry on Waccamaw river, to the road leading from the State line to Coxe's ferry.

Comm'rs. for
All Saints.

XLI. *And be it further enacted* by the authority aforesaid, That the ferry over Broad river, known and called by the name of Ashford's ferry, be, and the same is hereby, re-established in James Ashford, and his heirs, for the term of seven years, upon the same rates of ferriage heretofore prescribed by law.

Ashford's ferry
on Broad river.

XLII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, worked on, and kept in repair, in the eastern part of Chester district, commencing near Beckhamsville, and running to and from a new bridge lately erected across Rocky creek, and entering the old road again near Jonathan Mackey's; and the commissioners of the roads of that part of Chester district shall cause the said road to be opened, worked on and kept in repair.

Road.

XLIII. *And be it further enacted* by the authority aforesaid, That from and after the twenty-first day of December, which will be in the year of our Lord eighteen hundred and twenty-five, a public ferry be established over Broad river, at the place where the late Alexander B. Stark had a ferry, some short distance above McGowen's ferry over the said river, and that the ferry be vested in Mrs. Sarah Stark, her heirs and assigns, until the bridge hereby authorized to be built at or near the same place, be completely constructed and finished, and fit for passage of travellers and others, and that the same rates of ferriage be established as at McGowen's ferry.

Sarah Stark's
ferry on Broad
river.

XLIV. *Be it further enacted* by the authority aforesaid, That the ferry over Broad river, heretofore called McGowen's ferry, from and after the twenty-first day of December, which will be in the year of our Lord one thousand eight hundred and twenty-five, be vested in Elizabeth McGowen, her heirs and assigns, until the bridge hereby authorized to be built at or near the said ferry, be completely finished, and fit for the passage of travellers and others over the said bridge; and that the same rates of ferriage heretofore established, be taken and received at said ferry, by virtue hereof: *Provided*, that nothing herein contained shall be construed to extend the charters above named to a longer term of time than seven years.

McGowen's
ferry on Broad
river vested in
Mrs. E.
M'Gowen.

XLV. *Be it further enacted* by the authority aforesaid, That no person shall ride any horse, or drive any wagon, chair, cart, or other carriage, in any gait faster than a walk across the Cheraw bridge, under a penalty of five dollars, to be recovered in any Court having competent jurisdiction over the same; the whole of which fine to be a forfeit to the town Council of Cheraw, for the use of the poor in said town.

Cheraw bridge.
how to be
crossed.

XLVI. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the two boards of commissioners of roads of Fairfield district shall be consolidated and form but one board; and that the future meetings of the said board shall be held at the town of Winnsborough, at the time now fixed by law; and the said board shall possess and exercise all the powers, and be liable to all the penalties, incident to the office of commissioners of roads.

Two boards of
comm'rs. of
roads in Fair-
field consolida-
ted.

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*Acts relating to Roads, Bridges and Ferries.*Commissioners
appointed.

XLVII. *And be it further enacted* by the authority aforesaid, That Lovick Young, William B. Whitaker, Joseph Patterson, and Zachariah Cantey, be, and the same are hereby appointed, commissioners of roads in and for the district of Kershaw, in addition to those now appointed by law.

T. Whitaker
authorized to
shut up a road

XLVIII. *And be it further enacted* by the authority aforesaid, That Thomas Whitaker be, and he is hereby, authorized to shut up the road leading from Camden to the Rice Creek Springs near his settlement.

Road to be laid
out from Ches-
nut's ferry.

XLIX. *And be it further enacted* by the authority aforesaid, That a new road be laid out at and from Chesnut's ferry, on the Wateree river, to Columbia, to leave the Chesnut ferry road at the head of Horse-head branch, to pass by Smyrna meeting-house, to cross Bear creek near David Montgomery's, and Twenty-five Mile Creek at the bridge near Donovan's; and that John Chesnut, George Stratford, and David Montgomery, be, and they are hereby appointed, commissioners, for laying out the same.

Aprons to be
attached to fer-
ry flats.

L. *And be it further enacted* by the authority aforesaid, That each and every ferry owner or keeper in this State, shall provide and keep attached to each end of his ferry flat, or flats, a good and sufficient apron, or not having such aprons, shall keep at each and every landing place a good and sufficient abutment, or inclined plane for the same; and for default or neglect in so doing, that he be fined in a sum not exceeding ten dollars for every three days continuance of such default, to be recovered in any Court having competent jurisdiction of the same; one half thereof to the use of the State, and the other half to the informer.

Road changed.

LI. *And be it further enacted* by the authority aforesaid, That the road leading from Sweet Water to Rambeau's old place, in Edgefield district, be discontinued, and that the new road leading from the same place, and intersecting the Columbia road at the Cherokee ponds, be established, worked upon and kept in repair, in lieu of the said old road.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of American.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

Acts relating to Roads, Bridges and Ferries.

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AN ACT CONCERNING THE STATE ROADS, AND FOR PRESERVING AND
PROTECTING THE SAME. No. 2338.

WHEREAS, it is necessary that the several roads which have been, or which hereafter may be, constructed in this State, under the authority and at the expense thereof, should be protected by law from injury and dilapidation, and that provision should be made for keeping the same in good and constant repair.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person shall wilfully and maliciously destroy, injure, or in any manner hurt, damage, impair, or obstruct any of the said roads, or any part thereof, or any bridge, culvert, drain, ditch, causey, embankment, wall, toll gate, toll house, or other erection belonging to the said roads, or any part thereof, the person so offending shall, on conviction thereof, be imprisoned not more than three months nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty dollars, at the discretion of the Court before which the conviction shall take place, and shall be further liable to pay all the expence of repairing the same. Penalty for injuring public works.

II. *And be it further enacted* by the authority aforesaid, That if any person shall cause any obstruction to be placed in any part of the said roads, or on any bridge or causeway thereof, so as to obstruct or render dangerous or difficult the passage of carriages or other travelling thereon, and shall not immediately remove the same when required, he shall be deemed guilty of a nuisance, and, on conviction thereof, shall be fined in a sum not exceeding ten dollars, nor less than two dollars, and shall be further liable for the expences of removing the said nuisance. Penalty for obstructing roads, &c..

III. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the Superintendent of public works to establish such toll gates as are necessary to collect regular and moderate toll on every part of the said roads, as soon as such part shall be completed, and to establish the rates of tolls to be received thereat; and to each toll gate he shall assign a certain section of the said road to be kept in repair by the tolls there received; and the surplus of tolls received beyond the expence of repairs on that section, shall be applied by the Superintendent to the extension of said roads, towards such points as the Legislature shall from time to time direct; and for want of such direction, shall be paid into the public Treasury. Toll gates to be established.

IV. *And be it further enacted* by the authority aforesaid, That the said Superintendent shall, whenever it shall be practicable, cause each toll gate so established to be leased, for a term not exceeding one year, to the highest bidder, who shall give good and approved security for the performance of his contract; and the leasee shall be authorized to collect, for his own use, all the tolls receivable at the said gate, on the following conditions, that is to say; that he shall pay to the said Superintendent, at the end of each quarter of the year, from the date of his lease, one fourth part of the annual sum he shall have bid for the said tolls; and shall also, during the continuance of his lease, keep in perfect repair and preservation that section of road which shall have been assigned as aforesaid to the said toll gate and all the bridges, causeys, embankments, walls, culverts, drains and ditches belonging thereto—and by this shall be understood;— Toll gates to be leased.

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1st. That the road, bridges, and causeys be always in good travelling order, all the holes, gullies, and ruts being kept constantly filled.

2nd. That where any part of the road is timbered, all the timber be kept covered in every part, and decayed pieces, or such as are cut off by the wheel or otherwise, be removed and replaced with good new timber of equal size, and that all unevenness in the surface of the timber be corrected.

3d. That all parts of the road made of earth be kept smooth, having the proper slope towards the ditches, so as to carry into them the water that falls on the road.

4th. That when there are wooden bridges, or bridges part of wood, all the coverings and flooring be kept free from holes, and all decayed parts of timber, plank, boards, and shingles, including the abutments and piers, where they are of wood, be replaced before the bridge is endangered by such decay.

5th. That where the bridge is, in whole or in part, of stone or brick, every injury to the masonry is immediately repaired in a workmanlike manner, according to the style of the original, and that all walls and culverts and drains of stone be repaired in the same manner.

6th. That every causey and embankment be kept entire and whole, by regularly and constantly filling every wash or break on its top, or on its sides down to the base, and all washings under its base be prevented or stopped and repaired.

7th. That where any part of the road is made of gravel or stone, it be kept covered with these materials, and have the requisite smooth regular slope towards the ditches.

8th. That every passage under a bridge be kept free from obstructions, so as to admit an uninterrupted discharge of water, and that in time of freshets, all diligence be used to prevent the accumulation of rubbish in the passage, against the bridge, its piers, or abutments.

9th. That every culvert, drain or ditch, constructed for the conveyance of water, under, over, or from the road, be kept constantly cleansed and free from rubbish, or any other thing which may render it unfit for the purpose intended; and that every thing further be done, which tends to the repair and preservation of the work.

10th. But it shall not be understood as included in the repairs and preservation of the said road, that the leasee is bound to rebuild any wooden bridge, which is more than ten feet long, or any stone bridge, (other than culverts with three feet opening,) or any wall more than four feet high, or any causey or embankment more than three feet high, where the same, without the fault of the leasee, has been swept away by water, or from any other cause requires to be rebuilt.

Conditions of
every lease,

V. *And be it further enacted* by the authority aforesaid, That every person who shall hereafter lease any toll gate, shall be bound to perform all the conditions contained in the foregoing clause, and all the other requisitions of this Act, without the same being inserted in his contract with the Superintendent, or being referred to therein, and his securities shall be responsible for his faithful performance thereof.

Comm'rs. to be
named.

VI. *And be it further enacted* by the authority aforesaid, That before leasing any toll gate, the Superintendent shall name three persons to be commissioners of the section of road assigned to the said gate, and after the said leasing, in case of death, resignation or removal of any of the said commissioners, he shall appoint another person to fill the vacancy; and

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that the said commissioners so appointed, shall be liable to the same penalties for neglect of duty, and be proceeded against in like manner, as commissioners of the roads, in the several parishes and districts in this State, now are or hereafter may be by law subjected: And it shall be the duty of each of the said commissioners, whenever, of his own knowledge, or from the information of any other person, on oath, (which oath, each of the said commissioners is hereby authorized to administer;) he shall understand that any part of the section of road for which he is a commissioner, or any bridge, causey, embankment, wall, culvert, drain, or ditch thereunto belonging, is not in that perfect repair and preservation which by this Act is required, he shall immediately summon the other commissioners of the section, to meet him and examine into the truth of the said information; and thereupon, in case they, or a majority of them, find that any part of the said section of road, or any of the bridges, causeys, embankments, walls, culverts, drains or ditches, is not in such perfect repair and preservation, they, or a majority of them, shall make an order that the leasee of the toll gate, to which this section of the road is assigned, shall not receive any tolls, and shall cause the said order to be posted up at the place where the said tolls are collected; and thereupon, and so long as the said order remains unrepealed, the toll gate shall be kept open by the leasee thereof, and it shall not be lawful for him to receive any tolls. And it shall be the duty of the said commissioners, when required so to do, by a written notice from the leasee, to meet and examine; and if they, or a majority of them, find that the cause for making the said order has been removed, to repeal the same. And if the said commissioners shall refuse to make or repeal such order, when they ought so to do, they may be compelled thereto by mandamus.

VII. *And be it further enacted* by the authority aforesaid, That in case more than one order is made suspending the collection of tolls, at the same toll gate, in any period of twelve months, the Superintendent of public works may, if he see cause, declare the contract of the leasee at that gate to be at an end: And thereupon the said Superintendent may immediately lease the said gate at public auction, to another person, for the remainder of the term: And the first leasee, and his securities, shall be liable for the difference between the amount he was to have paid, and the amount bid by the second leasee. Leasee, how forfeited.

VIII. *And be it further enacted* by the authority aforesaid, That the following exemptions from tolls, and no others, shall be granted at each of the said toll gates, that is to say:— Persons exempt from toll.

The army of this State, of our sisters States, and of the United States, while marching on duty in time of war, together with their horses, teams, and carriages loaded with provisions, baggage and munitions of war.

Every minister of the Gospel, engaged in the duties of his calling.

Members of the Legislature, in going to and returning from the Legislature.

Grand and Petit Jurors, in going to and returning from Court.

And every person travelling in the performance of any civil or military duty, who receives no salary, emolument or reward therefor, with not more than one servant, and a carriage and two horses.

The Superintendent of public works, and such persons as may be appointed by him or the Legislature, to inspect the said road, or perform any duty thereon, their servants, horses and carriages.

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Every person resident within five miles of the said toll gate, when travelling not more than five miles therefrom, with their servants, horses, cattle and carriages.

Inhabitants
may be called
out to repair
bridges, &c.

IX. *And be it further enacted* by the authority aforesaid, That whenever any injury shall be occasioned to any bridge, culvert, wall, causey, or embankment, which by this Act the leasee of the toll gate in the section to which it belongs, is not liable to repair, and which may render the road impassable, or dangerous or difficult to pass, it shall be the duty of the said leasee to order out all the male inhabitants and slaves between the age of sixteen and fifty years, resident within five miles of the said gate, and who have claimed such exemption from toll thereat, or whose owner has claimed such exemption, to work thereon till the said road is made passable without danger or difficulty: *Provided*, that the same shall not exceed twelve days work to each hand, in any period of one year. And every person liable to perform this duty by himself, or his slave or slaves, shall, on one day's notice, attend at the place appointed, in person, or by substitute, and send his slaves, (as the case may be,) and perform the said work, under the direction of the said leasee, whose orders all those attending shall be bound to obey. And in default of attending or working when there, or in case of disobedience of orders, each free person shall pay a fine of two dollars a day, and two dollars for each disobedience of orders, to be recovered before the commissioners of that section of road, or a majority of them, to be applied in repairing the said injury. And the owner of each slave so liable to attend and work, shall pay the same fine for each slave not attending or not working, to be recovered and applied in the same manner. And the said commissioners, or a majority of them, who try any delinquent, shall determine on the reasonableness of his excuse and decide accordingly.

Hands may be
hired to repair
roads, &c.,

X. *And be it further enacted* by the authority aforesaid, That where the force mentioned in the last clause shall not be deemed competent to render the road passable without danger or difficulty, the leasee shall increase the same, by putting thereto all the hands he usually employs on the road, and hiring such other hands, and procuring such materials, as are necessary immediately to effect the said object: And the hire of the said hands, and payment for the said materials, when vouched and certified by the said commissioners, or a majority of them, shall be refunded to the said leasee by the State, or may be retained out of the next payment to be made on his contract.

Toll to be paid
before passing.

XI. *And be it further enacted* by the authority aforesaid, That no person, horse, hog, cattle, nor carriage, nor other articles chargeable with toll for passing any toll gate, shall pass the same until the toll is paid: And in case the same shall have passed the gate before such payment, and the person liable to pay the same shall neglect or refuse so to do, it shall be lawful for the person entitled to receive the said toll, to issue his distress warrant therefor, and to cause any of the said horses, hogs, cattle, carriages, or other articles, or any article loaded thereon, sufficient for the said payment, to be distrained for payment thereof; and the article or articles so distrained shall be disposed of in the same manner as goods distrained for rents arrear are or may be disposed of.

XII. *And be it further enacted* by the authority aforesaid, At the termination of every lease of a toll gate, either by expiration of lease, or by the declaration of the Superintendent that the contract is at an end, the leasee shall immediately deliver up the gate, toll house, and other erec-

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tions belonging thereto, and the lands attached to the same, to the Superintendent, his authorized agent, or to the new leasee, when one has been appointed; and in case of his refusal or neglect to do so, for twenty-four hours after he has been thereunto required, it shall be lawful for any Justice of the Peace of the district wherein the said toll gate is situated, and he is hereby required, by warrant under his hand and seal, to order any constable or other peace officer, with such assistance as may be necessary, to enter upon and into the premises in the day time, and remove therefrom the person or persons found thereon or therein, together with their goods and chattels, and to deliver the said toll gate, toll house, and other erections belonging thereto, and the lands attached to the same, to the said Superintendent, his authorized agent, or to the new leasee.

Gate to be delivered up at the expiration of the lease.

XIII. *And be it further enacted* by the authority aforesaid, That in travelling on every part of the State roads, the following order shall be preserved, to wit: All carriages of burthen, or for any other use, shall keep on the right side of the centre of the road, so as not to interfere with carriages travelling on the other side, except in the following cases, to wit: where the centre of the road is timbered less than fourteen feet wide, the following order shall be observed, to wit; the centre or timbered part of the road may be kept—

Order of travelling regulated.

1st. By loaded wagons, drawn by more than three horses, travelling towards Charleston, and excluding all others therefrom.

2d. By loaded wagons drawn by more than three horses, travelling towards the mountains, and excluding all others therefrom but the last.

3d. By other loaded wagons travelling towards Charleston, excluding therefrom all others but the two last.

4th. By other loaded wagons travelling towards the mountains, excluding all others therefrom but the three last.

And on the Saluda mountain road, all descending loaded wagons and carriages may keep the side of the road next to the mountain and furthest from the valley.

XIV. *And be it further enacted* by the authority aforesaid, That if any slave or free person of color shall commit any offence prohibited by this Act, he or she shall be proceeded against, charged with the said offence, and tried therefor, before a Justice of the Peace and Freeholders, in such manner as is prescribed for the trial of slaves in cases less than capital, by the existing laws of this State. And the Justice and freeholders are hereby authorized, on conviction by them, of any slave or free person of color for such offence, to cause the said slave or free person of color to be whipped, not exceeding thirty-nine nor less than ten lashes.

Slaves or persons of color offending, how to be proceeded against.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

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No. 2359. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

Ware's bridge established. I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bridge built over Saluda river by Edmund Ware, at his plantation, be, and the same is hereby, established as a public toll bridge, and vested in the said Edmund Ware, his heirs and assigns, for the term of seven years; and that he be allowed to demand and receive the same rates for passing the said bridge, as is allowed by law for passing at the nearest ferry.

Road in Edgefield. II. *And be it further enacted* by the authority aforesaid, That the public road in Edgefield district, leading by John C. Gantt's and Zadock Bussey's plantations, to the main, (Scott's) road, be discontinued as a public road; and in lieu thereof, the road leading by Hezekiah Lunday's and Alexander Sharpten's, and intersecting the Scott's road at or near Red Oak Grove Meeting House, be, and the same is hereby, established as a public road, and shall be worked on and kept in repair as such.

Road in Claremont. III. *And be it further enacted* by the authority aforesaid, That the board of commissioners of the roads for Claremont county, Sumter district, be, and they are hereby, authorized and required to cause to be opened and kept in repair as a public road, an old neighborhood road, leading from the Bradford Springs road to the road from Scapewhore to Camden, by the plantation of Samuel Dunlap, which road has been lately obstructed by the said Dunlap.

Road in St. James Santee. IV. *And be it further enacted* by the authority aforesaid, That the board of commissioners of the roads for the parish of Saint James Santee, be, and they are hereby, authorized and empowered to discontinue the old road from the said parish to Strawberry ferry; and in lieu thereof, they are hereby required to cause to be laid out, opened and kept in repair, a new cross road from the head of Wigfall's causeway to the said Strawberry ferry; and for this purpose, they are hereby authorized and empowered to levy a tax, not exceeding one dollar per head, on all the male slaves within the said parish.

Road from Pudding Swamp to Sumterville. V. *And be it further enacted* by the authority aforesaid, That the road from Pudding Swamp, intersecting the Salem road near the Brick Church, be altered to run as follows. To begin at Daniel Britt's plantation, and run from thence, the nearest and best way, to the point where the lands of William Mills and Matthew E. Muldrow intersect; thence along the line dividing their lands; thence along or near an old private path to Scott's old house, and intersecting the Salem road in a more direct way to Sumterville. And that John Frierson, Sen., John Bradley, James English, and William Harris, be appointed commissioners to open the said road; and that the hands of the said commissioners, with the addition of the hands of William Mills and Matthew E. Muldrow, shall be liable to work on the said road for one year, not exceeding four days.

Road in Fairfield, to be changed. VI. *And be it further enacted* by the authority aforesaid, That Susanah Pickett, Reuben Pickett, and Robert L. Knox, be, and they are hereby, permitted to change the road now passing through their plantations, by opening a new road on the south of the old one, and crossing Wateree Creek at their mill. *Provided*, the same be opened and cleared to the satisfaction of the commissioners of the roads for that district; and *provided*, the said road be opened on their own land.

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VII. *And be it further enacted* by the authority aforesaid, That a new road shall be laid out, opened and kept in repair, commencing at General Hugh Means's mill, on Fairforest Creek, and running from thence, the nearest and best way, to Robert Martin's mill, on Tiger river. Road to be laid out.

VIII. *And be it further enacted* by the authority aforesaid, That John Jennings, the present proprietor of a mill formerly owned by one Bayles, on the road from Orangeburgh to Barnwell, shall be, and he is hereby, required to keep in repair, at his own expense, the bridge over the wasteway of the said mill; and in default, may be indicted, and on conviction shall pay a fine of thirty dollars. J. Jennings to keep a bridge in repair at his mill.

IX. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out from Stark's ferry, on Broad river, the best way, to the road from McGowen's ferry to Newberry court house. *Provided*, that the said road be not laid out through the lands of any person, without his or her consent. Road to be opened.

X. *And be it further enacted* by the authority aforesaid, That the old road from Young's ferry, on Saluda river, passing by David Anderson's of Laurens district, and intersecting the road from Laurens court house to Pickett's ferry, on the same river, be, and the same is hereby, established as a public road, and shall be worked on and kept in repair as such. Road from Young's ferry on Saluda.

XI. *And be it further enacted* by the authority aforesaid, That Henry B. Fitts be, and he is hereby, permitted to construct a bridge over Edisto river, near the junction of the north and south branches; and the said bridge, when finished, shall be vested in the said Henry B. Fitts, for the term of seven years; and he shall be allowed to ask, demand and receive, the same rates as are allowed at the nearest ferry on the same river. Fitts' bridge to be constructed over Edisto river.

XII. *And be it further enacted* by the authority aforesaid, That a ferry shall be, and the same is, established over the Wateree river, at the plantation of Austin F. Peay, and vested in him, his heirs and assigns, for the term of seven years; and that he be allowed to ask and demand, for crossing the said ferry, the following rates, viz:—for every wagon or other four wheeled carriage, one dollar; for every carriage of two wheels, fifty cents; for every man and horse, twelve and a half cents; for every foot passenger or led horse, six and a fourth cents; for every head of cattle, hogs, sheep or goats, two cents. Peay's ferry on Wateree.

XIII. *And be it further enacted* by the authority aforesaid, That the bridge over Edisto river, heretofore vested in Elizabeth B. Lestergette, be established for the term of seven years, and vested in Louisa A. Potter, her heirs and assigns, with the same rates of toll as heretofore allowed. Potter's ferry over Edisto.

XIV. *And be it further enacted* by the authority aforesaid, That English's ferry, over the Wateree, be, and the same is hereby, re-established, for the term of seven years, and vested in William Ancrum, his heirs and assigns; and the same rates of ferriage as heretofore shall be allowed at the said ferry, except that for a four wheeled carriage he shall demand only seventy-five cents, and for a man and horse, twelve and a half cents. English's ferry re-established.

XV. *And be it further enacted* by the authority aforesaid, That Burch's ferry, over Peedee river, be vested in Samuel Scott, for the term of seven years; and that he be allowed the following rates of ferriage, viz: for a man and horse, twelve and a half cents; for a foot passenger or led horse, six and a fourth cents; for a horse and chair and riders, twenty-five cents; for a horse and cart and driver, thirty-seven and a half cents; for a four wheeled carriage, horses and drivers, one dollar; for every head of cattle, hogs, sheep or goats, four cents; for every head of turkies, one cent. Scott's ferry over Peedee.

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Road from
Miller's to
Mickle's ferry.

XVI. *And be it further enacted* by the authority aforesaid, That a new road from David Miller's to Mickle's ferry, on the Wateree, shall be opened and kept in repair as a public road, by the commissioners of the roads for Kershaw district, beginning at David Miller's, thence by Cornelius Quinlin's, Mayhew's Store, Collins's mill, and John Brown's, to Mickle's ferry.

Road to be
opened in Dar-
lington.

XVII. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, opened and kept in repair, by the board of commissioners of the roads for Darlington district, to commence at or near Mrs. Sarah McIntosh's plantation, on the road from Tiller's ferry to Darlington court house; thence down the south side of Black creek, by Thos. Hart's, James Kilgore's, John W. Lide's, and James Ellis's plantations; thence, by the Pealar old field and Latta's store, to intersect the road from Williams's bridge to McCallum's ferry.

Road to be
opened in New-
berry.

XVIII. *And be it further enacted* by the authority aforesaid, That the commissioners of roads for Newberry district shall cause to be laid out, opened and kept in repair, a road, commencing at Newberry court house and running by Michael Witt's to the Lexington line, in the direction of Dr. Henry F. Schmidt's, in Lexington district.

Road to be
opened in Sa-
lem.

XIX. *And be it further enacted* by the authority aforesaid, That the hands of Robert Wilson, Stephen Lacoste, David McLeod, Henry Cassels, Absalom Wilson, John D. Alexander, and James H. Wilson, liable to work on the roads, be, and they are hereby, added to the hands designated by an Act of the last session of the Legislature, to open a road from near Mrs. Carter's, in Salem, to the Canal road, near Matthew P. Mays's.

Two boards of
commissioners
in St. Luke's.

XX. *And be it further enacted* by the authority aforesaid, That from and after the first day of February next, the board of commissioners of roads for Saint Luke's parish, be, and the same is hereby declared to be, abolished; and that thence afterwards there shall be two boards of commissioners of roads in said parish, that is to say—a direct line drawn from Hazzard's bridge to the Great Swamp bridge, shall constitute the division line between the said boards; and all the commissioners, at present in authority, residing north of said line, shall form one board, to be called the upper board of commissioners of roads for Saint Luke's parish; who shall meet at Coosawhatchie on the second Monday in February, and the second Monday in July, in each and every year, to transact the business of said board. And all the commissioners of roads living south of the line abovementioned, at present in authority, shall constitute a board, who shall be called the lower board of commissioners of roads for said parish; who shall meet at the time now fixed for the board in said parish, at such place as the said lower board hereby established, shall fix and determine, to transact the business of the said board.

Funds of the
present board
to be divided.

XXI. *And be it further enacted*, That the funds of the present board be equally divided between the two boards hereby established, and that in future, the treasurer of the upper board do, annually, pay over to the treasurer of the lower board, one half of all the monies received by him for licenses granted by the upper board.

Additional
comm'rs. ap-
pointed.

XXII. *And be it further enacted* by the authority aforesaid, That N. B. Scriven, Samuel J. Carr, and John Lyon, be, and they are hereby appointed, commissioners of roads for the upper board of commissioners of Saint Luke's parish, in addition to the present number.

XXIII. *And be it further enacted* by the authority aforesaid, That so much of the twenty-seventh section of an Act entitled "An Act to

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establish certain roads, bridges and ferries," passed the eighteenth day of December, one thousand eight hundred and twenty-four, as limits the powers of the commissioners of streets for the village of Yorkville, over the streets and roads lying within half a mile of the court house in said village, be repealed; and that from and after the passing of this Act, the said commissioners, and their successors in office, shall be vested with all the powers vested by law in commissioners of the roads, over all the streets and roads lying within one mile of the court house of the said village; and all persons liable to work on public roads, residing within the limits aforesaid, shall be liable to work on the said streets and roads, but not exceeding twelve days in each year, and shall be exempt from working on any other road.

Part of a former Act, repealed.

XXIV. *And be it further enacted* by the authority aforesaid, That the twenty-ninth section of the Act aforesaid, be, and the same is hereby, repealed.

XXV. *Be it further enacted* by the authority aforesaid, That an old road leading from the dividing line between York and Chester districts to White's mills, be established as a public road, and worked and kept in repair as such, by the commissioners of roads for Chester district.

Road to be opened in Chester.

XXVI. *And be it further enacted* by the authority aforesaid, That the causeway in Saint James Goose Creek, commonly called the Cypress Causeway, be, and the same is hereby, vested in Nathaniel Lawrence, his heirs and assigns, for the term or seven years; and that he be allowed the same rates of toll heretofore allowed for crossing the said causeway.

Lawrence's causeway.

XXVII. *And be it further enacted* by the authority aforesaid, That the following persons, that is to say—William Law, William Hall, Andrew Wallace, James Boatwright, and Francis McCully, be, and they are hereby appointed, commissioners, to receive subscriptions for one thousand shares, of fifty dollars each, for the purpose of erecting a bridge over Broad river, near Stark's ferry, to be called the Broad River Bridge Company, at the court house in the town of Columbia, between the hours of twelve o'clock, Meridian, and two o'clock, P. M., each day of the week, beginning on the second Monday in January next, unless the said shares should be sooner subscribed for; but in case the said shares should not be subscribed for during the said week, it shall be lawful for the said commissioners to receive private subscriptions during —, reserving for Mrs. Stark and Mrs. McGowen, forty shares each, at their option, for twelve months, in the said company. The capital stock of the said company shall be one thousand shares, at fifty dollars each, making a capital stock of fifty thousand dollars; there shall be paid to the commissioners on each share subscribed, the sum of ten dollars, to be deposited in the Branch Bank of the State of South Carolina, in Columbia, to the credit of the said company; and when the whole of the stock shall be subscribed, with the reservation of forty shares each to Mrs. McGowen and Mrs. Stark, the said subscribers paying the subscription money, respectively, then being stockholders, and all persons who thereafter may become stockholders, shall be, and they are hereby, incorporated and made a corporation and body politic, by the name and style of the Broad River Bridge Company; and the said company, by its name and style, shall be, and is hereby made, capable in law to purchase, have, hold, take and possess, absolutely, any estate, real or personal, of what kind soever, and to sell, alien or otherwise dispose of the same; and also, to sue and be sued, plead and be impleaded, answer and be answered,

Broad river Bridge.

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defend and be defended, in any court whatever ; and also, to have and use a common seal, and to change, destroy or renew at pleasure ; and also, to appoint such officers as may be deemed necessary and proper ; and also, to make and establish such rules, regulations and by-laws, as shall seem necessary and convenient.

To be commenced in one year.

XXVIII. *And be it further enacted* by the authority aforesaid, That the building of the said bridge hereby authorized, shall be commenced within one year from and after the passing of this Act, and shall be entirely finished and fit for use within three years thereafter, else this grant herein and hereby made to the said company, shall be entirely void and of no effect. And when the said bridge shall be finished, the said company shall, at all times, cause the same to be kept in good repair ; and if the said company shall, at any time, neglect or fail to keep the said bridge in repair as aforesaid, the said company shall be liable to be indicted, and on conviction, shall be fined in a sum not exceeding five hundred dollars.

In whom vested.

XXIX. *And be it further enacted* by the authority aforesaid, That when the said bridge is completed, it shall be, and is hereby, vested in the said company, or their assigns, forever, in fee simple. *Provided*, that the grant herein made to the said company, shall not be construed to prevent the Legislature from authorizing any other bridge to be built, or from granting any ferry over Broad river, in the vicinity of the said spot, if, at any time, it shall be deemed expedient.

Navigation not to be obstructed.

XXX. *And be it further enacted* by the authority aforesaid, That in the building said bridge, the said company shall not, in any way, obstruct or interrupt the navigation of Broad river, or in any degree prevent the execution of any plan that may have been or may be devised for improving the navigation of the said river.

Toll.

XXXI. *And be it further enacted* by the authority aforesaid, That the rates of toll to be received at said bridge, shall be the same as those now established for McGowen's ferry.

Private property used, to be paid for.

XXXII. *And be it further enacted* by the authority aforesaid, That in case the said company shall be under the necessity of using private property for the erection of the said bridge, or for connecting the same with the main road, and in case the proprietor of the said land and the said company cannot agree as to the price, then the same shall be valued by five commissioners, or a majority of them, to be appointed by the court of Equity or Common Pleas in Richland district ; and upon payment of said valuation by the said company, the land so valued shall vest in them in fee simple.

Height and durability of said bridge.

XXXIII. *And be it further enacted* by the authority aforesaid, That the said bridge shall be constructed of as durable materials, and in as substantial a manner, and with as great an elevation above the highest freshes, as the bridge over the Congaree river, opposite the town of Columbia, in order that the latter bridge may not be injured by the destruction of the former bridge.

America street on Charleston Neck to be continued.

XXXIV. *And be it further enacted* by the authority aforesaid, That the commissioners of Cross-roads on Charleston Neck, have power, and they are hereby authorized, to continue America street in Hampstead, through the lands of Cassemer Patrick and the estate of Gabriel Manigault, deceased, a width of fifty feet, until the said street shall connect with Judith street, near Couter bridge.

XXXV. *And be it further enacted*, That the road in St. Andrew's parish, long since known as the Sandy Bay road, leading from the plantation of

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Edward Blake Lining to the public landing on Wappoo, be, and the same is hereby, recognized as a public road; and the commissioners of roads for said parish shall be required to see that the aforesaid road shall be kept open and free from all obstructions; and it shall be the duty of the said commissioners to appoint who shall be the proper persons to work thereon.

Road in St. Andrew's.

XXXVI. *And be it further enacted* by the authority aforesaid, That George W. Heriott, John Wragg, Richard O. Anderson, Jonah M. Adkinson, John R. Easterling, John F. Green, Davison McDowell, Charles Munnerlyn, James Dealy, John P. Bossard, Henry A. Middleton, Benjamin Green, Richard D. Smith, William S. Harvey, William Lester, Francis Green, John Avant, William J. Vereen, Samuel Green, Thomas F. Goddard, and Gilbert Johnson, be, and they are hereby appointed, commissioners of the roads for the parish of Prince George Winyaw.

Commissioners appointed.

XXXVII. *And be it further enacted* by the authority aforesaid, That the stated meetings of the said board shall hereafter be the first Mondays in May and December in each and every year, and that seven members shall form a quorum for the transaction of business.

Time of their meeting.

XXXVIII. *And be it further enacted* by the authority aforesaid, That Henry Arthur, Abraham Geiger, Isaac Randolph, James G. O. Wilkeyson and Carson Howell, be appointed commissioners to survey and ascertain the most direct route from Columbia to Hamburg, and the difference between the established road and the one hereby directed to be surveyed; and that they, or a majority of them, do report the result of such survey to the Legislature at their next session.

Road to be surveyed.

XXXIX. *And be it further enacted* by the authority aforesaid, That Murray's ferry, on the Santee river, be, and the same is hereby, vested in Theodore Gourdin, and his heirs, for the term of one year, at the same rates of ferriage as heretofore.

Gourdin's ferry.

XL. *And be it further enacted* by the authority aforesaid, That the commissioners of roads for the upper battalion of Richland district, be, and they are hereby, authorized and required to cause to be opened and kept in repair, a road leading from the Lunatic Asylum, in Columbia, to the Rice Creek Springs.

Road from Columbia to the Rice Creek Springs.

XLI. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the lower battalion, Richland district, be, and they are hereby, authorized and required to cause to be laid out and opened, a public road from the Bluff road to the Congaree river, beginning where the dividing line between David Myers and Drury Bynum strikes the said road—thence along the said dividing line to its termination—and from thence on the dividing line between the said Bynum and the heirs of David Hamilton.

Road in lower battalion, Richland district.

XLII. *And be it further enacted* by the authority aforesaid, That the bridge over the North Edisto, formerly called Jordan's bridge, be, and the same is hereby, vested in David Williamson, his heirs and assigns, for the term of seven years, with the same rates of toll as heretofore allowed at the said bridge.

Williamson's bridge.

XLIII. *And be it further enacted* by the authority aforesaid, That a public road shall be opened and kept in repair, from Little river across the Waccamaw river, at Thomas T. Claredy's, to intersect the public road leading from Conwayborough to the North Carolina line, at or near the plantation of Richard Bellune; and that a public ferry be, and the same is hereby, established at Thomas T. Claredy's, and vested in him and his

Road and bridge over Waccamaw at Thomas T. Claredy's.

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heirs, for the term of seven years; and that he be allowed to receive the same rates of toll as are received at Red Bluff on said river.

Additional
comm'r. ap-
pointed.

XLIV. *And be it further enacted* by the authority aforesaid, That Thomas Smith be, and he is hereby, added to the board of commissioners of the roads for the parish of All Saints.

Board when to
meet.

XLV. *And be it further enacted*, That the several boards of commissioners of roads in Sumter district, shall hereafter be held on the second Monday in April and August, instead of the times now allowed by law.

Additional
commissioners
appointed.

XLVI. *And be it further enacted*, That there shall be two additional members allowed for the board of commissioners for Claremont; and the said last board may, at their option, sit on the second Monday in November: *Provided*, in their opinion the public interest may require such additional sitting of the board.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JNO. B. O'NEALL, *Speaker of the House of Representatives.*

**No. 2367. AN ACT RESPECTING LYNCH'S CAUSEWAY AND THE CAUSEWAY CANAL,
IN THE PARISH OF PRINCE GEORGE WINYAW.**

Preamble.

WHEREAS, the commissioners of Lynch's causeway have, pursuant to the powers vested in them by the 40th section of the road Act, passed on the twentieth of December, one thousand eight hundred and twenty-three, caused a canal to be cut parallel with the said causeway from North to South Santee river. And *whereas*, the said canal is of material importance to enable the commissioners to keep the causeway in repair, and to facilitate travelling across Lynch's Island, whereby an essential public good is effected:

Canal to be
kept open.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That the said Canal shall be forever kept open, shall be deemed and considered a public canal; and that the 41st section of the said Act, passed on the twentieth of December, one thousand eight hundred and twenty three, be, and the same is hereby repealed: And that should any person or persons whomsoever obstruct, impede, or injure the said canal, or shall attempt, at any time, or in any manner, to impede or hinder or obstruct the passage thereof, every such person or persons so offending, shall be subject and made liable to all and every penalty which have been or shall hereafter be imposed or inflicted by any law or laws of this State, on such person or persons as shall impede, obstruct or injure any of the public canals, or any public road, or any canal which has been or shall be established by law: And the said

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penalty or penalties shall be recovered and applied in such manner as the law or laws of the State have directed, or shall hereafter direct.

II. *And be it further enacted* by the authority aforesaid, That Elias Horry, Robert Hume and Joseph Manigault, Jr., be, and they are hereby appointed, commissioners of Lynch's causeway, with power as a board, Commrs. of Lynch's causeway appointed. from time to time, agreeably to the several road Acts of this State, to perpetuate their body, by filling up such vacancy or vacancies as may occur therein by death or legal resignation, pursuant to the said Acts: That the said commissioners, or a majority of them forming a board, shall have full power to commence or institute any proceeding, and to issue any and every order or process mentioned in the said road Acts, or contemplated by them: That they shall have full power, under the said Acts and by this Act, and full jurisdiction as a board of commissioners is hereby given to them over the aforementioned canal and causeway, and over all and every road or roads, public or neighbourly, in the parish of Prince George Winyaw, within ten miles of the said causeway: And they are hereby authorized and required, agreeably to the said road Acts, to keep in order and repair the said canal, causeway and roads, by calling out all the male inhabitants and male slaves from the age of sixteen to fifty years, or such part thereof at any one time as they shall judge proper, to work thereon and put the same in order: *Provided, however,* that the said inhabitants and slaves shall not be liable to be called out for a longer time, collectively, than twelve days in one year: And the said inhabitants and male slaves hereby made liable to work on the said canal, causeway and roads, shall not be liable to work on any other canals, causeways or roads whatever within the said parish, or any other parish. And *provided, also,* that no inhabitant or slaves residing without the limits of ten miles from the said chuseway, shall be compelled to work on any part of the aforementioned roads leading to the said causeway.

III. *And be it further enacted* by the authority aforesaid, That all allotments of parts of Lynch's causeway, made by a former board of commissioners, to individuals, to be kept in order by them, are hereby declared null and void; and that whenever the inhabitants and slaves aforesaid, shall be called out to repair and work at or on the said canal or causeway, they shall work and perform the labor required collectively, or in such manner as shall be directed by the said commissioners or by their order, or agents, overseers or superintendants. And the said commissioners are hereby fully empowered and authorized, from time to time, to appoint overseers or agents or superintendents to execute any particular work or order under this Act, and to do and perform the duty required, subject to their order. And any overseer, superintendent or agent, neglecting to perform the duty which shall be required by the said commissioners, shall be subject to such penalty or penalties, and the same to be applied as the road Acts aforesaid shall or may inflict or direct. Allotments to individuals, made void.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners appointed by this Act, do report to the Legislature, at the next session, the quantity of land which had been required for the said canal, and which on both sides thereof will be required for public purposes, and for which no compensation has been made to the proprietor or proprietors thereof, together with the value of the said land so required; in order that the Legislature may, at the next session, direct compensation to be made for the said land to the said proprietor or proprietors. Commrs. to report to the Legislature.

V. *And be it further enacted* by the authority aforesaid, That in order

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to comm'rs.

to make compensation to the two superintendents, or any other persons who were employed by the commissioners appointed as aforesaid by the road Act of one thousand eight hundred and twenty-three, for services rendered by them in laying out and cutting the said canal, that the sum of two hundred and fifty dollars be paid to the said commissioners from the Treasury office in Charleston.

Rates of toll to
be fixed.

VI. *And be it further enacted* by the authority aforesaid, That the toll for passing through the said canal, and the periods for using the said canal, shall be fixed and regulated by the aforementioned commissioners, or their successors in office, in such manner as they shall from time to time judge best, both for individuals concerned therein, and for the public.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of American.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2372. AN ACT TO REDUCE ALL THE ACTS AND CLAUSES OF ACTS OF THE GENERAL ASSEMBLY OF THIS STATE, RELATING TO THE POWERS AND DUTIES OF THE COMMISSIONERS OF THE ROADS, INTO ONE ACT.

Present com-
missioners
continued.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the boards of commissioners of roads, in this State, as are now established by law, shall continue to have legal existence until otherwise ordered by law.

To meet twice
a year.

II. *And be it enacted*, by the authority aforesaid, That each board of commissioners of roads shall meet, to form a board for their respective parishes, districts, or divisions, at least twice in each year, on such days and at such places as they have heretofore been directed by law to meet; and that a majority of each board shall always be necessary to constitute a legal meeting.

May change
the time and
place of meet-
ing.

III. *And be it enacted*, by the authority aforesaid, That each board of commissioners of roads, or a majority of such board, shall hereafter have power to change the time and place of their meeting, to such time and place as any board, or a majority of any board, may appoint.

Fine for not
meeting.

IV. *And be it enacted*, by the authority aforesaid, That whenever the commissioners of the roads, in any parish or district, shall fail to meet and form a board, as by law directed, the several persons, being commissioners, who shall fail to attend for the purpose of forming such board, shall be fined in the sum of twelve dollars: and if any person, being a commissioner of the roads, shall neglect to appear, at any time when the board to which he belongs is required to meet, and such board shall have formed a meeting, such absent commissioner shall be fined in the sum of six dol-

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lars; provided, nevertheless, that nothing in this Act contained shall be construed to impose any fine upon any person who may have a reasonable excuse or justification, to be approved of by the board of commissioners.

V. *And be it enacted*, by the authority aforesaid, That the commissioners of roads are hereby authorised and required to lay out, make, and keep in repair all such roads, bridges, causeways and water courses, as have been or shall hereafter be established by law, or as they shall judge necessary, in their several parishes and districts. *Provided, however*, that no board of commissioners of roads shall, hereafter, have power to open any new road until they shall have given three months previous notice, by advertisements, in the settlement through which the intended road is to be opened; nor shall any new road be opened over the lands of any person who shall signify to the said board of commissioners any opposition, unless by permission of the Legislature; nor shall the Legislature hereafter grant any new roads, unless upon a representation of the board of commissioners of the district, parish, or division, where the said road is to be laid out, certifying the propriety and utility thereof, and also that three months previous notice had been given to the persons opposed thereto, to enable them to make counter representations to the same, if they see fit so to do.

To lay out roads, and keep them in repair.

VI. *And be it enacted* by the authority aforesaid, That if any vacancy shall happen in any board of commissioners of roads, by refusal to act, death, removal out of the parish, district or division, or otherwise, the remaining commissioners, or a majority of them, shall choose by ballot, at some stated meeting thereafter, some fit person to fill up such vacancy; and the person so chosen is hereby declared to be a commissioner, and vested with the same powers and authority, and subject to the same fines and penalties, for refusal to act, or neglect of duty, as any other commissioner whatever.

Vacancies, how to be filled.

VII. *And be it enacted* by the authority aforesaid, That each commissioner of roads heretofore appointed or elected, or hereafter to be elected or appointed, is hereby declared liable to serve as commissioner, for the term of three years from the day of his election or appointment; and if, at the expiration of three years, any commissioner should wish to decline acting, he shall give three months previous notice of such his intention to decline, and shall also nominate some person to be his successor, and the person so nominated shall, if approved of by a majority of the remaining commissioners, be deemed a commissioner for three years, in the room of the one so declining to act; and the commissioner so declining to act shall not be liable to act again as commissioner until three years after such his declining; and if, at the expiration of that time, he should be nominated and approved of, as aforesaid, he shall again be liable to serve as commissioner in the same manner as if he had never before acted.

Commissioners to serve three years.

VIII. *And be it enacted* by the authority aforesaid, That if any person who is now acting as a commissioner of the roads, or shall hereafter be elected or appointed a commissioner of roads, shall refuse or fail to act, without a sufficient excuse, after having received notice of such election or appointment, or shall neglect his duty after acting, he shall forfeit and pay, for the use of the roads, the sum of fifty dollars, to be recovered by indictment at law.

Fine for refusing to serve.

IX. *And be it enacted* by the authority aforesaid, That all the male inhabitants of this State from sixteen to fifty years of age are declared liable to work on the public roads, bridges and causeways; that the commissioners of the roads in the several parishes and districts

Who liable to work and on what roads.

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in this State, shall have power to prescribe and direct how far, and on what roads, the persons and slaves within their respective districts shall be compelled to work. *Provided, nevertheless*, that no person, or his, her, or their slaves, shall be compelled to work on any road, unless some part of the said road shall be, or pass, within ten miles of his, her, or their place of residence, or within ten miles of the plantation whereon such slaves are employed the greater part of the year.

X. *And be it further enacted* by the authority aforesaid, That from Who exempted from working. and after the passing of this Act the following persons, and no others, shall be exempted from all liability to work on roads and bridges, viz. all ministers of the gospel, millers, and ferrymen.

XI. *And be it enacted* by the authority aforesaid, That the several Road districts to be divided. boards of commissioners of roads, throughout the State, shall, at their first meeting after the passing of this act, (where it has not been already done,) divide their respective districts and parishes into as many road divisions as there may be commissioners, and assign to each commissioner one division, over which he shall have the superintendence; and each commissioner shall be responsible for the roads in the division which shall be so assigned to him; and if, at any time, the road shall be in such order as may require the interference of the judiciary of the State, the said commissioner shall be liable to be proceeded against, in the same manner, and subject to the same penalty, as the several boards are now liable for similar delinquencies. And that each board of commissioners of roads are hereby authorized to declare what inhabitants are liable to work on any road, or part of a road, in their respective parishes, districts or divisions, subject, nevertheless, to the restrictions of time and place, as aforesaid; and that each commissioner, in his respective division, is hereby authorized to call on all the inhabitants within the same, to make a return, (on oath, if required,) of all the male slaves belonging to them, or under their management or direction, from sixteen to fifty years of age, and who reside in such parish or district for the most part of the year, to such person, at such place, and within such time, as he shall appoint; and the said commissioner is hereby authorized to administer the following oath. I, A. B. do swear, or affirm, that the return made by me, of the number of male slaves, from sixteen to fifty years of age, owned by me, or under my management or direction, in this road division, belonging to C. D. is true, according to the best of my knowledge.

XII. *And be it enacted* by the authority aforesaid, That if any Fine for not making returns. inhabitant shall refuse or neglect to make such return as aforesaid, the commissioners, or a majority of them, for the district, parish or division in which such default shall be made, are hereby authorized to make an assessment on such defaulter, according to the best information they shall receive, of four dollars for every such male slave so refused or neglected to be returned.

XIII. *And be it enacted* by the authority aforesaid, That each commissioner, in his respective road division, is hereby authorized, whenever Two days notice to be given to hands. he shall think it expedient and necessary, to summon, by two days previous notice, all the male inhabitants, within his division, liable to road duty, to be and appear, at such time and place as the board of commissioners may have assigned for such male inhabitant to work on, except on the following emergencies, viz., where a bridge may require to be repaired, a tree removed, or other obstructions in the road requiring immediate removal, in any of which cases, one day's notice, only, shall be necessary to

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be given ; and that the work done at one day's notice, shall be credited to the hands who work at one day's notice, when the hands are called out, generally, to work the roads ; and if any person, or persons, shall refuse or neglect to go, or send their male slaves, when thereunto summoned by the commissioner aforesaid, or by any person by the commissioner to be appointed, every such person shall forfeit and pay, for the use of the roads, the sum of two dollars for himself, and one dollar, per day, for every male slave so neglected or refused to be sent. *Provided*, that it shall and may be lawful for each commissioner, in his division, to exempt the domestic slaves employed as waiting men or house servants, by any person, upon such person substituting, in the room of every such male slave so exempted, an able bodied female slave, and making oath, if required, before the commissioner, that they are not field slaves or other laborers, whom they desire to screen from the operation of this law.

XIV. *And be it enacted* by the authority aforesaid, That each commissioner of roads, in his respective road division, shall be authorized to appoint warners, whose duty it shall be to warn the inhabitants when they are to work on the roads, and summon any free man who makes default in road duty to summon the owner, or person who may have the management of any slave or slaves, who shall make default in road duty, by two days notice, to appear at the next meeting of the commissioners of roads, in the district, parish or division, in which he may be appointed a warner ; and if any person shall refuse to act as a warner, or neglect his duty, after acting, he shall forfeit and pay a sum not exceeding twelve dollars ; *provided* no person shall be compelled to serve as a warner more than one year in three ; and it shall be the duty of the warners to attend the meeting of the board of commissioners, in the district, parish or division in which he may be appointed, to prove that any defaulter was warned to work, or to appear and make his excuse for any default ; and each commissioner of the roads is hereby authorized to appoint such overseers, in his division, on such roads, or parts of roads, whilst the inhabitants are working on the same, as to him shall seem necessary and the overseer or overseers so appointed, are hereby empowered moderately to correct all such slave or slaves as shall refuse or be negligent of their work ; and if any white person liable to do road duty shall fail to be and appear at the time and place to which he was warned to work, or shall refuse or neglect to work, or to do his duty when in place, the said overseer shall return the name of such white person to the next meeting of the board of commissioners of roads, in the district, parish, or division, in which he acts as overseer ; and the overseer is also required either to warn the defaulter himself, or to furnish the warner with the name or names of all defaulters, in order that they may be warned to appear and make their excuse or excuses for their default, before the next board of commissioners of roads, for the district, parish or division, in which the default was made ; and the said board of commissioners are hereby authorized to fine the said person two dollars for the first default, and ten dollars if repeated : and if any person shall refuse to act as an overseer, or shall neglect his duty as an overseer, not giving sufficient reason for such refusal or neglect, every such person shall forfeit and pay a sum not exceeding twelve dollars ; *provided*, no person shall be compelled to serve as an overseer more than one year in three, except in the parishes of St. John's Berkley, St. James' Santee, St. Thomas and St. Dennis, St. Stephen's, St. Paul's, and St. Andrew's.

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to be provided.

XV. *And be it enacted* by the authority aforesaid, That each commissioner, in his respective road division, is hereby authorized to prescribe what tool or tools each hand shall furnish himself with; and if any free man liable to work on any road, having been regularly warned, shall fail so to be equipped, he shall forfeit and pay the sum of fifty cents: And if the owner of any slave or slaves, after due notice for that purpose, shall fail to furnish them with such tools as may be required, he or she shall in like manner forfeit and pay for each tool which they may so fail to furnish, the sum of fifty cents: *Provided*, that in all cases where it shall be shewn, to the satisfaction of the commissioner, that the person complained of was not in possession of the tool or tools required, no forfeiture shall be exacted, but any other suitable tool or tools shall be received in lieu thereof.

Timber, &c.
may be taken
for the work.

XVI. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads, or either of them, according to their respective divisions, shall have full power to cut down and make use of any timber, wood, earth or stone, in or near the roads, bridges and causeways, for the purpose of making and repairing the same, as to them shall seem necessary: And if any person or persons, by themselves, slaves or servants, shall by any ways or means hinder, forbid or oppose the said commissioners of roads, or either of them, their servants or workmen, from cutting down and making use of any timber, wood or stone, or earth, in or near the said roads, bridges or causeways, for the purpose of making or repairing the same, or shall in any manner stop up or obstruct the passage on the said roads, bridges or causeways, by gates, ditches, fences, or any other obstructions, (except where they are authorized by law so to do,) or shall hinder, forbid, or threaten any traveller from travelling any public road, every person, for every such offence, shall forfeit the sum of fifty dollars, to be recovered by indictment at law.

Assessments
may be made to
build bridges.

XVII. *And be it enacted* by the authority aforesaid, That all and every the respective boards of commissioners of roads, within their respective parishes and districts, shall have full power, and they are hereby authorized, to agree with any person or persons to undertake the building any bridge or bridges they think necessary, and to levy, as hereinafter directed, such sum or sums of money, for defraying the charges of the same, by an assessment to be made as herein also afterwards directed. And where any river or creek lies between two parishes or districts, and either of the said parishes or districts shall desire a bridge to be built over such river or creek for the conveniency of the inhabitants, or to repair any bridge heretofore built, lying as aforesaid, the commissioners of the roads, or a majority of each board of both the said parishes or districts, are hereby authorized and required to meet and assess all the taxable inhabitants of the said districts or parishes, in proportion to the last general tax paid by said taxable inhabitants, with such sums of money as may be necessary to build or to repair any bridge lying as aforesaid.

How such as-
sessments are
to be made.

XVIII. *And be it enacted* by the authority aforesaid, That in future all assessments to be made by any board of commissioners of roads in this State for the building or repairing of any bridge, causeway or road, shall be assessed on the amount of the last general tax paid by the inhabitants of the district or parish where the assessment becomes necessary to be made: *Provided, however*, that wherever there are more than one board of commissioners of roads in any district or parish, it shall be the duty of all such boards of commissioners as may exist in any district or parish, to meet on the first Monday in January in every year, to form a general board, at the

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court house of the district, or in the parish, at such place as the boards may agree on, for the purpose of making assessments, where necessary to be made, and reporting the state of the funds of each board, and applying any balances that may exist to the order and direction of the said general board.

XIX. *And be it enacted* by the authority aforesaid, That to enable any general board of commissioners of roads, where there is more than one board, or only one board, to make correct assessments, where assessments are necessary, it shall be the duty of the several tax collectors in the district or parish, to furnish, when required, said general board or single board of commissioners of roads, with the amount of the last general tax paid by the taxable inhabitants of the district or parish where the assessment may be necessary to be made; and it shall be the duty of the tax collector or collectors in the district or parish where the assessment may be made, when furnished with the amount assessed by any general board, where there is more than one board, or by any single board, where there is only one board, to proceed to collect the same, in proportion to the last general tax as aforesaid; and the tax collector or collectors shall have the same power and authority to enforce the payment thereof, as is authorized by law for collecting the public tax; and the tax collector or collectors shall collect such assessment, and pay the same to the clerk of the said general board, where there is more than one board, or to the clerk of the board, where there is only one board of commissioners, at or before the time fixed by law for paying the general taxes into the treasury of this State; and in case of default he shall be liable to the same pains and penalties as are provided by law for any similar default in collecting and paying over the public tax: *Provided*, that the tax collector or collectors shall be furnished the amount of such assessment at least three months before the time fixed by law for making returns of the public taxes. And the tax collector shall receive for his services the same per centage on any sum by him collected for any single or general board of commissioners of roads, as is now allowed him by law for collecting the public taxes.

Tax collectors
to furnish the
amount of tax.

XX. *And be it enacted* by the authority aforesaid, That where any public road shall be injured in consequence of the breaking of any mill dam, or by letting off water from any gate or gates, it shall be the duty of the owner or owners of such mill pond or dam, to repair such injury, when thereunto required by the commissioner of the road in whose division the injury shall happen, within a reasonable time from such notice; and in default thereof, the owner or owners of such mill dam or pond shall be fined at the discretion of the court, not exceeding one hundred dollars, nor less than twenty.

Fine for injury
done to a road
by the breaking
of a mill dam.

XXI. *And be it enacted* by the authority aforesaid, That it shall be the duty of the commissioners of the roads, in their respective parishes, districts and divisions, to cause all roads heretofore laid out or hereafter to be laid out, leading directly from any part of this State to Charleston, Georgetown, Columbia, Camden, Hamburg, Cheraw, to be made and cleared thirty feet wide, and all other roads shall be cleared twenty feet wide.

Width of roads.

XXII. *And be it enacted* by the authority aforesaid, That each and every board of commissioners of the roads shall cause all the roads in their respective districts, parishes or divisions, to be posted and numbered, and at each fork of said roads a pointer declaring the direction of such roads: And if any person or persons shall cut down, burn or deface any mile post, or stone, or pointer, erected as aforesaid, he, she or they, upon con-

Roads to be
posted and
numbered.

A. D. 1895.

*Acts relating to Roads, Bridges and Ferries.*Tavern and
billiard table
licenses to be
granted.

viction thereof, shall forfeit and pay the sum of ten dollars, to be recovered as hereinafterwards directed.

XXIII. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, the sole and exclusive power of granting licenses to retailers of spirituous liquors, tavern keepers and keepers of billiard tables, be, and the same is hereby, vested in the commissioners of roads, or a majority of them, in their respective districts, parishes or divisions throughout the State, except in such cases where the Legislature has delegated or may hereafter delegate the same power to other persons; and that the commissioners of roads, or a majority of them, in their respective districts, parishes or divisions, shall, at any stated meeting, and at no other time, hear all applications for licenses to keep taverns, and retail spirituous liquors, and keep billiard table or tables, and shall reject or grant such license or licenses for one year, as to them shall seem proper: *Provided*, that it shall and may be lawful for the clerk of any board of commissioners of roads, in their respective district, parish or division, to grant a permit or license, under his hand and seal, to any person or persons, to keep a tavern or retail spirituous liquors, during the recess of the sittings of their respective boards; which permit or license shall remain in force only until the next meeting of said board respectively: And *provided, also*, that the person or persons applying for the said permit or license, shall produce to the clerk of the board the certificate of the commissioner of roads residing in the division where the applicant intends to keep a tavern or retail spirituous liquors, certifying that the person or persons applying, is or are proper persons to be permitted to keep a tavern or retail spirituous liquors; and shall give bond and security in the penal sum of four hundred dollars, payable to the said board of commissioners for the parish, district or division where the application shall be made, conditioned that he will, at the next regular meeting of the board of commissioners for the parish, district or division where the application shall be made, make application to the said board for a license for one year, to take date from the regular meeting of the board of commissioners; and shall also, at the time of such application, pay to the said clerk a sum that shall be equal to the rates of a license for the year, for the time the said permit or license shall be in force: And that every tavern keeper and retailer of spirituous liquors, shall pay for his license the sum of fifteen dollars to the board of commissioners of the roads, and two dollars for the clerk: And that any person or persons who shall retail spirituous liquors contrary to the provisions of this Act, or keep tavern without a license or licences from said board of commissioners, shall, on conviction, forfeit and pay the sum of one hundred dollars: *Provided, however*, that nothing herein contained shall prevent any person from selling or retailing spirituous liquors, not less than one quart, distilled on his own plantation, of the growth and produce of this State, and to be carried away from the same: And that every person applying for a license or licenses to keep a public billiard table or tables, shall pay for such license the sum of fifty dollars; and any person or persons who shall keep a billiard table or tables without a license from the said board of commissioners, shall, on conviction, pay the sum of three hundred dollars, to be recovered in any district court in this State.

Funds of the
board, how to
be applied.

XXIV. *And be it enacted* by the authority aforesaid, That all the fines, forfeitures and penalties imposed by this Act, as also all such sums of money as may arise from the granting of licenses as aforesaid, or from the sale of estrays, shall belong to that board of commissioners of roads within

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whose limits the fine, penalty or forfeiture may be imposed, the license granted or estrays sold, and constitute a fund to be applied by such board to the repairs of the roads, bridges or causeways in such respective district, parish or division, as aforesaid.

XXV. *And be it enacted* by the authority aforesaid, That each board of commissioners of roads in this State, in their respective districts, parishes or divisions, shall have full power to summon, by two days notice, any person or persons who may make default in performing any duty, or incur any fine or penalty, imposed by this Act, not exceeding twenty dollars, requiring such person or persons to be and appear before the board of commissioners of roads for the district, parish or division where the default was made, or fine or penalty incurred; and the said boards of commissioners of roads are hereby empowered to hear, try and determine the same, and to award execution for any default, fine or penalty imposed by this Act, not exceeding twenty dollars.

Defaulters,
how to be tried.

XXVI. *And be it enacted* by the authority aforesaid That each board of commissioners of roads in this State shall appoint a Chairman, whose duty it shall be to preside over all regular meetings of the board, and to countersign all warrants or executions which may be ordered by the board against defaulters, or for fines or penalties imposed by this Act: And they shall also elect some fit person to act both as clerk and treasurer to the board, and allow him such reasonable compensation for his services as they may deem fit and proper, who shall enter into bond, with securities to be approved by the board of commissioners of roads making the appointment or election, payable to the State of South Carolina, in such penal sum as the said board shall deem sufficient to insure the faithful discharge of all the duties of such clerk and treasurer imposed by this Act; which bond shall be deposited in the treasury of the division in which said clerk and treasurer may reside; and whose duty also it shall be to keep a regular journal of the transactions of the said board, to issue all such licenses to retailers of spirituous liquors, tavern keepers and keepers of billiard tables, as the board may direct; and also sign and issue all such warrants or executions as may be ordered by the board against any defaulter; to receive all such sums of money as may become due the said board from fines, licenses, assessments, sales of estrays, or otherwise, and pay over the same whenever ordered by the board; and shall also keep a regular account of all monies received on account of and paid out to the order of the board; which account shall always be open to the inspection of any citizen of the district or parish who may desire to see the same.

Chairman,
clerk and treasurer,
to be appointed.

XXVII. *And be it enacted* by the authority aforesaid, That it may and shall be lawful, from the passing of this Act, for every board of commissioners of roads in this State, to direct their warrants or executions, for any purpose herein authorized, to all and singular the sheriffs of this State, who shall be authorized and required to proceed to serve or execute the same, and when executed, to return the same to the clerk who may issue the same, in a reasonable time: And the said sheriff shall pay over to the clerk of the board of commissioners of roads, all such fines as he may collect for the board, in the same time, and under the same penalty for detention, as prescribed by law in other cases; and shall be allowed the same costs for entry, mileage, and serving any warrant or execution issued by order of any board of commissioners of roads, and also the same per centage for receiving and paying over any monies to any board of commis-

Warrants and
executions to
be directed to
the Sheriffs.

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Board not
meeting for one
year, to be dis-
solved.

sioners of roads, as he is now entitled to receive on executions from the courts of law.

XXVIII. *And be it enacted* by the authority aforesaid, That if the commissioners of the roads for any district, parish or division, shall not form a board to transact business in any one year, the said board shall be considered as dissolved; and each member of the said board who shall fail to attend the meeting of the board for the space of one year, when the board becomes dissolved as aforesaid, shall be considered as refusing to act, and be subject to the penalty imposed by the eighth section of this Act, without he has a sufficient excuse for such absence: and in case of such dissolution of any board, then fit and proper persons shall be nominated and appointed by the members of the Legislature, for the time being, in said district or parish, as the case may be; which persons, when appointed, shall act as commissioners of roads, and shall have the same power, until the next meeting of the Legislature, and shall be subject to the same penalties, as are prescribed by the eighth section of this Act, in case he or they shall refuse to perform all the duties required by commissioners of high roads.

Persons of
color imprison-
ed for default.

XXIX. *And be it further enacted*, That if any free negro, mulatto or mestizo, shall be summoned to work on the road according to the provisions of this Act, and shall refuse or neglect to work thereon as required by the commissioner or commissioners of such road, he shall be liable to be fined to the same extent as any other person; and in default of payment of such fine, it shall and may be lawful for the commissioner or commissioners to issue his or their warrant to any constable, requiring and commanding him to take such free negro, mulatto or mestizo into his custody, and deliver him to the jailer of the district, to be confined for such time as the commissioner or commissioners in such warrant shall direct, not exceeding twelve days in any one year.

Twelve mem-
bers to form a
quorum.

XXX. *And be it further enacted* by the authority aforesaid, That twelve members of the board of commissioners of roads for Saint Paul's parish, shall form a quorum to transact business; and that each board of commissioners of roads in this State shall be furnished, on application, with a copy of the Acts of the Legislature, annually; and also, with copies of all the Acts passed subsequent to the publication of Brevard's Digest, or as many as can be obtained.

Repealing
clause.

XXXI. *And be it further enacted* by the authority aforesaid, That all Acts and clauses of Acts of the General Assembly of this State, heretofore passed, relating to the powers and duties of the commissioners of the roads, contrary to or inconsistent with the provisions of this Act, be, and the same are hereby, repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

Acts relating to Roads, Bridges and Ferries.

A. D. 1826.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

No. 2399.

I. *Be it enacted*, by the the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bridge over Saluda river, heretofore vested in Christopher Stanton, shall be re-established, and vested in John Tripp, jr., his heirs and assigns, for the term of seven years; with the same rates of toll as heretofore allowed. Tripp's ferry on Saluda.

II. *And be it further enacted* by the authority aforesaid, That Thorn's ferry, on Catawba river, be, and the same is hereby, re-established, and vested in the said Thorn, his heirs and assigns, for the term of seven years; with the same rates of ferriage heretofore allowed at the said ferry. Thorn's ferry on Catawba.

III. *And be it further enacted* by the authority aforesaid, That the ferry over Wateree river, belonging to John Chesnut, be, and the same is hereby, re-established, and vested in the said John Chesnut, his heirs and assigns, for the term of seven years; with the same rates of ferriage as heretofore allowed. Chesnut's ferry on Wateree.

IV. *And be it further enacted* by the authority aforesaid, That John Carter's ferry, over Keowee river, be, and the same is hereby, re-established, and vested in the said John Carter, his heirs and assigns, for the term of seven years; with the same rates of ferriage as heretofore allowed. Carter's ferry on Keowee.

V. *And be it further enacted* by the authority aforesaid, That the Road discontinued- road called the Lower Causeway road, over Catfish Swamp, in Marion district, be, and the same is hereby, discontinued as a public road.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners of roads for Saint James Goose Creek, be, and they are hereby, authorized to discontinue such old roads, or parts thereof, leading through the said parish, as to them shall seem expedient. Roads discontinued.

VII. *And be it further enacted* by the authority aforesaid, That the ferry over Santee river, called Murray's ferry, be re-established, and vested in the heirs at law of Theodore Gourdine, for the term of seven years; with the same rates of ferriage heretofore allowed. *Provided*, that nothing herein contained shall preclude the Legislature from regulating the future rates of ferriage, in the event that the roads leading to the said ferry should hereafter be created turnpike roads, or the Legislature should establish any uniform system for chartering turnpike roads, bridges or ferries. Gourdine's ferry, re-established.

VIII. *And be it further enacted* by the authority aforesaid, That the ferry over Peedee river, formerly vested in Frances Port, and known by the name of Port's ferry; and also, the ferry over the Lake, in Peedee Swamp, on the road leading to the said Port's ferry, be, and the same are hereby, vested in Francis Davis, his heirs and assigns, for the term of four years; with the same rates of ferriage as were formerly allowed by law. And the said Francis Davis shall be, and he is hereby, authorized to alter the landings of the said Port's ferry, so that the same be fixed at some point within a quarter of a mile of the old landing. *Provided*, he shall open and put in good order the roads leading to the new landings, to the satisfaction of the commissioners of the roads for Marion district; but the road leading from the ferry on the north-eastern side of the river, shall be the same as in the lifetime of Mrs. Frances Port, passing out of the swamp at a place known by the name of the Old Redoubt. Davis's ferry on Peedee.

IX. *And be it further enacted* by the authority aforesaid, That so much of an Act of the General Assembly of this State, passed on the twentieth

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Part of a former Act repealed.

day of December, one thousand eight hundred and sixteen, as requires a certain public road, thereby established, leading from Goetee's ford, on Coosawhatchie swamp, at Hickory Hill, to Broxton's ford, on Great Salt-catcher, to be worked on and repaired, only by such inhabitants liable to work on public roads as live within five miles thereof, be, and the same is hereby, repealed. And that the commissioners of roads for Prince William's parish be, and the same are hereby, required to cause the said public road to be worked on, in the same manner as other public roads are now required to be by law.

Little Peedee and Drowning Creek, how to be worked on.

X. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the commissioners of Little Peedee river and Drowning Creek, shall be allowed but five hands and one overseer to each section of the said river and creek; which section shall contain twenty miles in length, by water; any law, usage or custom to the contrary notwithstanding.

Billiard tables may be kept within 5 miles of Columbia.

XI. *Be it further enacted* by the authority aforesaid, That so much of an Act, now of force, repealing an Act passed in December, one thousand eight hundred and fifteen, prohibiting Billiard Tables within a certain distance of Columbia, be, and the same is hereby, altered and amended, so as to authorize and permit the erection and keeping billiard tables within five miles of the town of Columbia, during the months of July, August and September.

Road to be discontinued.

XII. *And be it further enacted* by the authority aforesaid, That the old road intersecting the Britton's ferry road, about half a mile north of Black Mingo bridge, and running through the plantation of John Dozier, a north-west course, until it intersects the stage road at or near the junction of the Indiantown and stage roads, be, and the same is hereby, discontinued.

Part of a former Act repealed.

XIII. *And be it further enacted* by the authority aforesaid, That so much of "An Act to establish certain roads, bridges and ferries," passed on the eighteenth day of December, in the year one thousand eight hundred and twenty-four, as authorizes William Leadbetter to continue a gate across a public road, be, and the same is hereby, repealed.

Road discontinued in York.

XIV. *And be it further enacted* by the authority aforesaid, That the twentieth section of an Act entitled "An Act to establish certain roads, bridges and ferries," passed on the eighteenth day of December, in the year one thousand eight hundred and twenty-four, directing the opening of a road in York district, be, and the same is hereby, repealed, and the said road discontinued.

Road to be laid out in Saint Paul's.

XV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out, worked on and kept in repair, in Saint Paul's parish, from Burden's Island across the Shoals or Mudflats which separate the said Island from Ashe's Point; thence along the edge of the highlands, as straight as practicable, until it intersects the line dividing the plantations of John Laroche and John Ashe; thence along the said line, to the public road to Ashe's Point. But in laying out the said road across the Mudflats, a sufficient passage for boats across the causeway must be left open, not less than ten feet wide and three feet deep, at the usual height of the tide at high-water.

Part of road Act of 1825, repealed.

XVI. *And be it further enacted* by the authority aforesaid, That the third section of an Act entitled "An Act to establish certain roads, bridges and ferries," passed on the twentieth day of December, in the year one thousand eight hundred and twenty-five, directing the laying out a road by the plantation of Samuel Dunlap, be, and the same is hereby, repealed.

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XVII. *And be it further enacted* by the authority aforesaid, That the eighteenth section of "An Act to establish certain roads, bridges and ferries," passed on the twentieth day of December, in the year one thousand eight hundred and twenty-five, directing the laying out of a road from Newberry court house to Henry F. Schmidt's, be repealed, so far as requires the said road to be laid out, opened and kept in repair, from William Bridges's to Newberry court house.

Another part
of the same,
repealed.

XVIII. *And be it further enacted* by the authority aforesaid, That the thirty-fifth section of an Act, passed on the eighteenth day of December, in the year one thousand eight hundred and twenty-four, entitled "An Act to establish certain roads, bridges and ferries," be, and the same is hereby, repealed. And the road in Abbeville district, leading from Rembert's ferry, on Savannah river, across Little river, at the Island Ford, into the Vienna road near Nathaniel Cameron's, be, and the same is hereby, established as a public road. And that Chesley Daniel, James Williams, and Orville Talum, be, and they are hereby appointed, commissioners, to open, alter and repair said road, with full power to call on all persons liable to work on said road; and when the same has been completed, it shall be delivered up to the board of commissioners of roads within whose division the said road lies.

Also the 35th
section of the
Act of 1824.

Road in Abbe-
ville.

XIX. *And be it further enacted* by the authority aforesaid, That Wm. Garrett's ferry, over the Savannah river, at Campbellton, be, and the same is hereby, re-established, and vested in the said William Garrett, his heirs and assigns, for the term of seven years; with the same rates of ferriage heretofore allowed.

Garrett's ferry
on Savannah.

XX. *And be it further enacted* by the authority aforesaid, That the owners of Godfrey's ferry, on Peedee, be authorized to charge for transporting the mail bags of the United States, the same as is allowed for ferrying the man and horse, unless the same be transported across the river in a carriage or on horseback.

Owners of
Godfrey's fer-
ry to be paid
for passing the
mail.

XXI. *And be it enacted*, That Job Johnston shall be at liberty to stop the road leading from the Charleston road to Newberry court house, through the lands of Gurard W. Johnson, and the lands lately purchased by the said Johnson, as the real estate of the late John Myrick, so far as the said road runs through the said lands of the said Johnson.

Road in New-
berry.

XXII. *And be it enacted* by the authority aforesaid, That from and after the passing [of this Act,] no ferry, the charter of which shall have expired, shall be re-chartered by the Legislature, unless the person or persons so applying, shall advertise his intention of doing so, within three months previous to the meeting of the Legislature, to which such application shall be made, and at three of the most public places in the neighborhood of the said ferry.

No ferry to be
re-chartered
without three
months notice.

XXIII. *And be it further enacted*, That the powers vested in the commissioners of the roads, by the sixteenth section of an Act entitled "An Act to reduce all the Acts and clauses of Acts of the General Assembly of this State, relating to the powers and duties of the commissioners of the roads, into one Act," passed on the twentieth day of December, in the year one thousand eight hundred and twenty-five, shall not be construed to extend to authorize the said commissioners to cut down any timber or trees reserved by the owner in clearing his land, or planted for the purpose of shade and ornament, either in the fields, around the springs, or about the dwelling house and appurtenances, nor the cutting down any rail timber, when other

Act of 1825,
explained.

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timber adequate to the purpose may be procured at or near the same place, or to take any stone or earth from within the grounds of any person, enclosed for cultivation, without the consent of the owner of the same.

XXIV. *And be it further enacted* by the authority aforesaid, That Bird's ferry on Lynch's Creek, be re-established, and vested in the said Bird, his heirs and assigns, for the term of seven years; with the same rates of ferriage heretofore allowed.

XXV. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the several boards of commissioners of roads of this State may elect a treasurer, and also, a secretary of the board, or may assign the duty of both to one person, as now authorized by law.

XXVI. *And be it further enacted* by the authority aforesaid, That the commissioners of roads for Lancaster district be, and they are hereby, required to open and keep in repair, as a public road, a new road leading from Cane Creek lower bridge to Lancaster court house.

XXVII. *And be it further enacted* by the authority aforesaid, That the twenty-fifth section of an Act of the General Assembly of this State, entitled "An Act to reduce all the Acts and clauses of Acts of the General Assembly of this State, relating to the powers and duties of the commissioners of the roads, into one Act," passed on the twentieth day of December, one thousand eight hundred and twenty-five, be, and the same is hereby, repealed; and that hereafter, when any default shall be made in the performance of any road duty, or any fine or forfeiture imposed by said Act, not exceeding twenty dollars, be incurred in any one of the divisions of public roads in this State, it shall be the duty of the commissioner who superintends said division, as soon as practicable, after such default is made, or fine or penalty incurred, to call to his assistance any two commissioners of roads belonging to the same board of which he is a member, and to summon, by two days notice at the least, the person or persons so defaulting or incurring such fine or penalty, before them; and the said commissioners, or any two of them, are hereby authorized and empowered to hear, try and determine the same, and to award execution for any default, fine or penalty imposed by said Act, not exceeding twenty dollars. *Provided*, that any person who may be dissatisfied with any such award, may, at any time within ten days thereafter, upon giving notice thereof, in writing, to said commissioner, appeal to the general board at its next meeting; and said board shall hear, try and determine upon said appeal, in the same manner as hereinabove directed.

XXVIII. *And be it further enacted* by the authority aforesaid, That if any person shall obstruct, or cause to be obstructed, any ditch or drain on the side of any road, which has been or may hereafter be constructed under the authority and at the expense of the State, or any ditch or drain made as aforesaid to drain the water from any part of the said roads or any of them, by throwing into the said ditches or drains, any earth, logs, trees, bushes or other things whatsoever, and shall not immediately remove the same when required, he shall be deemed guilty of a nuisance, and on conviction thereof shall be fined in a sum not exceeding ten dollars, nor less than two dollars, and shall be further liable for the expense of removing the nuisance.

XXIX. *And be it further enacted* by the authority aforesaid, That the road laid off and opened by the commissioners of roads for the lower battalion, seventh regiment, in Edgefield district, leading from Hamburg across Little Horse Creek, at or near Glover's old mill; thence across Big

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Horse Creek, at or near Nail's mill; thence to the main Charleston road, so as to enter the same at or near Hatcher's Ponds, be, and the same is hereby declared to be, a public road; and the commissioners of the roads are required to keep the same in repair.

XXX. *And be it further enacted* by the authority aforesaid, That the Columbia Bridge Company, which was incorporated in the month of December, in the year of our Lord one thousand eight hundred and twenty-three, be, and the same is hereby, authorized to increase the capital stock of the said bridge to seven hundred and fifteen shares, by opening books for subscription, to the number of two hundred and fifteen shares, in the following manner, to wit:—the said books shall be opened at Columbia, on the first day in January next, under the direction of James A. Black, Spencer Mann, and Nathaniel Ramsay, and shall be kept open for the space of one lunar month; but in case the said two hundred and fifteen shares shall not be subscribed within the said month, then the Columbia Bridge Company may receive private subscriptions for the said deficient shares, for the space of one year next succeeding. At the time of subscription, ten dollars shall be paid on each share subscribed, in the Branch of the Bank of the State of South Carolina, at Columbia, to be passed to the credit of the said company, in case the whole number of shares shall be taken; but in case the whole number of the said additional shares shall not be subscribed, then to the credit of the person paying the same.

Capital of Columbia Bridge Company, to be increased.

XXXI. *And be it further enacted* by the authority aforesaid, That in case the said two hundred and fifteen shares of stock in the said company shall be subscribed in manner aforesaid, the said company be, and they are hereby, authorized to erect, or cause to be erected, over the Saluda river, a substantial bridge, and to construct a good road from the Columbia bridge to the bridge hereby authorized to be erected, and thence to the main road on the north side of the Saluda river; and to call for instalments on the new shares in the company, so as to meet the payments required. *Provided*, that no greater instalment on any share shall be called for, than ten dollars at one time, nor shall such call be made oftener than once in sixty days.

Bridge to be erected over Saluda.

XXXII. *And be it further enacted* by the authority aforesaid, That the said road shall not be laid out over the lands of individuals, without the consent of the owner.

Road to the same.

XXXIII. *And be it further enacted* by the authority aforesaid, That until the said bridge and road is completed, all the profits arising from the Columbia bridge shall be divided among the holders of the five hundred shares, now constituting the capital stock of the said company. And that as soon as the said road and bridge at Saluda river are completed, the whole income derived from the tolls to be collected, both at the Columbia and Saluda bridges, shall be divided, equally, among all the holders of the old and new stock, in proportion to the amount paid by them, respectively, on the shares for which they have subscribed.

Profits, how to be applied.

XXXIV. *And be it further enacted* by the authority aforesaid, That when any person, carriage, horse or thing, shall have passed the Saluda bridge and paid toll there, the person paying the same may demand a ticket or permit, which shall authorize the same person or thing to pass the Columbia bridge, free of toll, in the direction towards Columbia, for and during the day on which the permit or ticket is dated; which day shall be regarded as ending at nine o'clock in the evening. And when any person, horse, carriage or thing, shall have passed the Columbia bridge, and paid

Persons passing both bridges, to pay but at one.

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toll there, the person paying the same may demand a ticket or permit, which shall authorize the said person or thing to pass the Saluda bridge, in the direction from Columbia, for and during the day on which such permit or ticket is dated, free of toll; the said day to be regarded as ending at nine o'clock in the evening.

Penalty for
counterfeiting
tickets.

XXXV. *And be it further enacted* by the authority aforesaid, That if any person shall counterfeit or alter the date of any such ticket or permit, or shall transfer the same, or shall pass or offer to pass, at the gate of either of the said bridges, such counterfeited, altered or transferred ticket or permit, knowing the same to be counterfeited, altered or transferred, he shall be held and taken to be guilty of a misdemeanor, and on conviction of such offence shall forfeit and pay a fine not exceeding ten dollars, nor less than five dollars; one half to be paid to the informer, and the other half to the State.

Old road not to
be stopped,

XXXVI. *And be it further enacted* by the authority aforesaid, That the said company shall not be permitted to stop up or obstruct any existing road, or any road which may hereafter be opened by competent authority, or to establish any toll gate on the roads constructed by them, except at and for passing each of the bridges aforesaid; nor shall any thing in this Act be construed to exclude the Legislature from erecting, or causing to be erected, or from chartering any company for erecting, any bridge or bridges over Saluda or Broad rivers, within any distance from the bridge to be erected by the said Columbia Bridge Company.

Bridge to be
commenced
within 2 years.

XXXVII. *And be it further enacted* by the authority aforesaid, That the said bridge shall be commenced within two years from the passing of this Act, and shall be completed within five years from the same.

Profits limited.

XXXVIII. *And be it further enacted* by the authority aforesaid, That in case the Columbia Bridge Company shall accept the rights and privileges granted to them by this Act, it shall be on the condition that the said company shall not be permitted to receive, in tolls, more than double the legal interest, established by law, on the capital expended by them in the construction of the bridges over the Congaree and Saluda rivers, and on the road aforesaid, over and above the current expenses attending the same; in which expense shall be included the cost of insurance of the said bridges. *Provided*, such insurance shall not exceed three per cent per annum on the capital aforesaid.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of American.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

Acts relating to Roads, Bridges and Ferries.

A. D. 1827.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES. No. 2413.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bridge over Lynch's creek, erected by Peter Dubose, be, and the same is hereby, established and vested in the said Peter Dubose, for the term of seven years; and that he be allowed to demand and receive the same tolls as have been heretofore allowed for crossing at his ferry at the same place. Dubose's bridge established.

II. *And be it further enacted* by the authority aforesaid, That the bridge over Little Peedee river, heretofore vested in Thomas Harlee, sen., be, and the same is hereby, re-established, and vested in Thomas Harlee, Jr., for the term of seven years, with the same rates of toll as heretofore allowed. Harlee's bridge, over Little Peedee.

III. *And be it further enacted* by the authority aforesaid, That John-Bennecker's son's bridge, on South Edisto river, be, and the same is hereby, vested in Barnet Bennecker, for the term of seven years, with the same rates of tolls as heretofore allowed by law for crossing the said bridge. Bennecker's bridge on South Edisto.

IV. *And be it further enacted* by the authority aforesaid, That the ferry over Saluda river, heretofore established and vested in John Chappell, be discontinued as a public ferry. Ferry discontinued.

V. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for the parish of Prince George Winyaw, be, and they are hereby, authorized to lay out, open and keep in repair as a public road, a new road on the south-west side of Sampit, beginning on the stage road, about two miles from the Georgetown ferry, and intersecting the Sampit road near the bridge; and the said commissioners are authorized and required to complete the Cat Island road already laid out, and continue the same to Musquito creek: *Provided*, that no negroes shall be liable to work on the said road, who are now exempted by law. *And provided, also*, the State shall be at no charge for the land over which the line of the said road may pass. Roads to be opened.

VI. *And be it further enacted* by the authority aforesaid, That James Fernandis be, and he is hereby, permitted to change the road from Kelly's old store, in Newberry district, to Lee's ferry, on Saluda river, as follows, to wit: commencing at a point about John B. O'Neill's blacksmith's shop, thence through his orchard, and above the trees therein planted, thence along the division line between the said Fernandis and O'Neill, to a corner near a drain, thence through Frost's old field, to a persimmon at or near Clement Nance's corner, thence along the line between the said Fernandis and Nance, thence along the division line of the said Fernandis and Mrs. Sarah Nance, to the mouth of John Ramage's lane: *Provided*, that the said alteration be made at the expence of the said Fernandis, and received by the commissioners of the roads. Road to be changed.

VII. *And be it further enacted* by the authority aforesaid, That the board of commissioners of the roads of Chester district, within which the same shall be, are required to open and keep in repair an old road from Captain Graham's plantation to the district line, to meet a road laid out and worked on by the commissioners of the roads for Fairfield district. Road.

VIII. *And be it further enacted* by the authority aforesaid, That an old road from Lancaster court house, intersecting the middle road at the widow Wilson's, be, and is hereby, established as a public road, and shall be Road to be opened.

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opened, worked on and kept in repair as such by the commissioners of the roads.

Bridges and
causeway over
Four Hole
swamp.

IX. *And be it further enacted* by the authority aforesaid, That the boards of commissioners of the roads for Orange and St. Mathew's parish, or either of them, be, and they are hereby, authorized to construct and build a causeway and bridges over Four Hole Swamp, at or near Whiteman's ford; but such bridge must be so constructed as not to obstruct the said ford, or the road leading thereto. And the said boards or board, as the case may be, shall be permitted to collect, for passing the said bridge, the following tolls, viz:—for every wagon or carriage of four wheels, fifty cents; for every small wagon with two horses, thirty-seven and a half cents; for every cart or carriage of two wheels, twenty-five cents: for every man and horse, six and a quarter cents; for every horse, three cents; for every head of cattle, hogs, sheep or goats, one cent.

Spring to be
kept in repair.

X. *And be it further enacted* by the authority aforesaid, That the commissioners of streets for the village of Union, be, and they are hereby, authorized and empowered to superintend and keep in repair the spring supplying the said village with water; and for better carrying such object into effect, they are authorized to use any money arising from the license of billiard tables, retailing spirituous liquors, and any fines or forfeitures which shall come into their hands; and they are hereby further empowered to make and carry into effect such rules and regulations for the preservation of the said spring as they may deem expedient.

Maxwell's ferry
over Seneca
river.

XI. *And be it further enacted* by the authority aforesaid, That a ferry over Seneca river, about half a mile below the ferry lately owned by John Burris, be, and the same is hereby, established, and vested in John Maxwell, for the term of seven years, with the same rates of ferriage as have been heretofore allowed at Burris's ferry. And the said John Maxwell be, and he is hereby, permitted to change the public road to run to the ferry hereby established, at his own expence, and under the direction and with the approbation of the commissioner having charge of said road.

Ferry vested in
Nancy Mason.

XII. *And be it further enacted* by the authority aforesaid, That Mason's ferry over the Catawba river, be re-established, and vested in Nancy Mason, for the term of seven years, with the same rates of ferriage as heretofore, except that she be allowed the sum of twelve and a half cents for every man and horse.

Road.

XIII. *And be it further enacted* by the authority aforesaid, That John Chesnut be, and he is hereby, permitted to shut up the public road passing through his land to Graves's ford on the Wateree.

Comm'rs. to be
elected.

XIV. *And be it further enacted* by the authority aforesaid, That the lower board of commissioners of the roads for Barnwell district are hereby authorized to nominate and elect two members of the said board, in addition to the number already allowed by law.

Road.

XV. *And be it further enacted* by the authority aforesaid, That the road opened by William Mabin, by order of the commissioners of roads for Newberry district, be established as a public road, and the said Mabin be, and he is hereby, permitted to close up the old road.

Road to be laid
out.

XVI. *And be it further enacted* by the authority aforesaid, That a public road be laid out from widow Morris's, on Lake Swamp, in Darlington district, the nearest and best way, to Jacob Hudson's bridge, on Lynch's creek, and from thence along a private way to a road to Kingstree; and that Theophilus Norwood and Elijah B. Hill be appointed commissioners

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on the Darlington side of Lynch's creek, and that William Law and William Kennedy, on the part of Sumter, be appointed commissioners to lay out said road from Lynch's creek, to intersect the Kingstree road, near or at the place where the private road now intersects it; and that the said commissioners have power to call on the commissioners of roads of Darlington and Sumter districts, for a sufficient number of hands to open said roads.

XVII. *And be it further enacted* by the authority aforesaid, That after the first day of February next, the board of commissioners of roads for Prince William's Parish, be, and the same is hereby, dissolved; and thence afterwards there shall be two boards of commissioners of roads for said parish; the upper board to have jurisdiction and authority in and over all that part of said parish lying above the division line which separates the Whippey swamp beat company from the Lower Saltcatcher company, to meet at the times appointed by law, at Captain Williams's muster ground; the lower board to have jurisdiction and authority in and over all that part of the said parish lying below said line, to meet at Pocotaligo at the times now appointed by law: And all the commissioners of the present board shall be commissioners of that board within the limits of the jurisdiction of which they respectively reside.

XVIII. *And be it further enacted*, That the funds of the present board be equally divided between the two boards hereby established; and that each board be charged with and liable to pay one half of all such debts as are due and owing by the present board.

XIX. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the board of commissioners of roads for Saint Paul's parish, have power to divide themselves into two boards, whenever a majority of them shall deem it expedient to do so.

XX. *Be it enacted* by the authority aforesaid, That the lower board of commissioners of Saint George's Dorchester, be, and they are hereby, empowered, whenever the funds of the said board shall not be sufficient to defray the expence of rebuilding or repairing Bacon's bridge, to erect the same into a toll bridge, with such reasonable rates of toll as they may think proper to establish; *provided*, the said toll shall not exceed the toll now established by law at Slan's bridge on the same river; and to let the said bridge to the lowest bidder or bidders, for such term as may be sufficient for the purposes aforesaid, and until the capital expended shall be reimbursed, and seven per cent. interest thereon; upon which event, such bridge shall become public.

XXI. *And be it further enacted*, That hereafter it shall not be lawful for the two boards of commissioners of the roads of Saint George's Dorchester, to meet and form a general board for said parish, for any purpose whatever; and that each board of commissioners of said parish shall hereafter build, repair and keep in repair, all bridges within the respective limits of each board, as they were previous to the passing of the Act of one thousand eight hundred and twenty-five, which united the boards for the purpose of assessing the parish to build and repair their bridges.

XXII. *And be it further enacted* by the authority aforesaid, That all Acts and clauses of Acts repugnant to this Act, be, and the same are hereby, repealed.

XXIII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, it shall be lawful for any person to erect and keep a billiard table, during the months of July, August and September.

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ber, at a less distance than ten miles from Columbia. *Provided*, the same shall not be nearer to the said town than five miles.

Part of a former Act repealed.

XXIV. *And be it further enacted*, That the nineteenth section of the Act of one thousand eight hundred and twenty-five, entitled "An Act to reduce all the Acts and clauses of Acts of the General Assembly of this State, relating to the powers and duties of the commissioners of the roads, into one Act," be so altered as to authorize the boards of commissioners therein mentioned, after receiving from the tax collectors the amount of the last general tax, to make their assessment on the same, and by their own agent, if they choose to do so, to collect the assessment so to be made; which said collector shall be obliged to enter bond for the faithful discharge of his duty, and in case of default, shall be liable to the same pains and penalties as are now provided by law in the case of a default on the part of a tax collector.

Additional comm'rs. in Pendleton.

XXV. *Be it further enacted*, That Levi Murphy, J. J. Edwards, Stephen Clayton, Joseph T. Earle and William McMurry, be added to the present board of commissioners of roads for the fifth regiment, or Hagood's, in Pendleton, so that the whole number shall in future consist of ten, and that in future they be authorized to fill all vacancies, and be subject to the same penalties as by law now established.

Road.

XXVI. *Be it enacted*, That John Nesbitt, Thomas Hovey and Andrew M'Cain, be, and they are hereby appointed, commissioners to lay out the road from Lancaster court-house to the Widow Wilson's.

Road to be laid out.

XXVII. *And be it further enacted* by the authority aforesaid, That Col. Samuel Hammond, Capt. Washington Wade and John Randolph, Jr., Esquire, be, and they are hereby appointed, commissioners to examine and mark out the best and the shortest route for a public road, commencing at Gibson's bridge on Shaw's creek, to the town of Hamburg, and to report the same to the next Legislature, complying with all the requisitions of the law establishing public roads.

Lee's ferry vested in Mitchell.

XXVIII. *Be it further enacted* by the authority aforesaid, That the ferry over Saluda river, heretofore known by the name of Lee's ferry, be re-established, and vested in Carey C. Mitchell, his heirs and assigns, for the term of seven years; and that the same rates of ferriage be received thereat as have heretofore been authorized by law at said ferry.

No person to work on a road more than ten miles from home.

XXIX. *And be it further enacted* by the authority aforesaid, That no person or persons, or his or her or their slave or slaves, shall be compelled to work on any part of any road at a greater distance than ten miles from his, her or their place of residence, on the plantation whereon such slave or slaves usually resides or are employed the greater part of the year.

Road to be opened.

XXX. *And be it further enacted* by the authority aforesaid, That Davidson McDowel, Jeremiah W. Vereen, John Dozier and Mathew Allen, be, and they are hereby appointed, commissioners to carry into effect the provisions of an Act passed in the year one thousand eight hundred and twenty-four, for opening a road from China Grove to Yawhany ferry, in Georgetown district.

Ferry on Pee-dee vested in Gibson.

XXXI. *And be it further enacted*, That the ferry on Great Pee-dee river, called Marr's Bluff ferry, the term of which is now expired, be re-established, and vested in John Gibson, his heirs and assigns, for the term of seven years; and that the following rates of ferriage be taken and received thereat, to wit:—for every horse and rider, twelve and a half cents; for a single horse or foot passenger, six and a quarter cents; for a chair and horse, and rider or riders, twenty-five cents; for a cart and horse, and

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driver, thirty-seven and a half cents; for a wagon and team, and two drivers, one dollar; for a four wheeled carriage, horses and passengers, one dollar; for a small wagon, drawn by one horse, and passengers, fifty cents; for each head of cattle, six and a quarter cents; for each head of sheep, hogs or goats, four cents; for each head of turkeys, two cents; and when long ferry, for every horse and rider, fifty cents; for a single horse or foot passenger, each, twenty-five cents; for a chair and horse, and rider or riders, seventy-five cents; for a cart and horse, and driver, one dollar; for a wagon and team, and two drivers, two dollars; for a four wheeled carriage, horses and passengers, two dollars; for a small wagon drawn by one horse, and passengers, one dollar.

XXXII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the commissioners of the roads, bridges and ferries, in the district of Edgefield, to appoint a fit and proper person to collect all fines which shall be imposed by the said commissioners, for neglect of performance of road duty when required by the commissioners to perform the same: *Provided*, the said commissioners take bond and sufficient security of said collector, for the faithful performance of his duty.

XXXIII. *And be it further enacted* by the authority aforesaid, That the following persons, that is to say, Wm. Law, James Martin, Robert Yates, James A. Black and John A. Crawford, be, and they are hereby appointed commissioners to receive subscriptions for one thousand shares, of fifty dollars each, for the purpose of erecting a bridge over Broad river, near Stark's ferry, to be called "the Broad River Bridge Company," at the court house in the town of Columbia, between the hours of twelve o'clock meridian, and two o'clock, P. M. each day of the week, beginning on the second Monday in January next, unless the said shares shall be sooner subscribed for; but in case the said shares shall not be subscribed for during the said week, it shall be lawful for the said commissioners to receive private subscriptions during six months; reserving for Mrs. Stark and Mrs. McGowen, forty shares each, in fee simple, as an equivalent for their surrendering to the said company their ferries, so soon as the said bridge shall be completed. The capital stock of the said company shall be one thousand shares, of fifty dollars each, making a capital stock of fifty thousand dollars: There shall be paid to the commissioners on each share subscribed, the sum of ten dollars, to be deposited in the Branch Bank of the State of South Carolina, in Columbia, to the credit of the said company; and when the whole of the stock shall be subscribed, (with a reservation of forty shares each, to Mrs. McGowen and Mrs. Stark,) the said subscribers paying the subscription money respectively, then being stockholders, and all persons who thereafter may become stockholders, shall be, and they are hereby, incorporated and made a corporation and body politic, by the name and style of the Broad River Bridge Company. And the said company, by its name and style, shall be, and is hereby made, capable in law, to purchase, have, hold, take and possess absolutely, any estate, real or personal, of what kind soever, and to sell, alien or otherwise dispose of the same; and also, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court whatever; and also, to have and use a common seal, and to change, destroy and renew at pleasure; and also, to appoint such officers as may be deemed necessary and proper; and also, to make and establish such rules, regulations and by-laws as shall seem necessary and convenient.

XXXIV. *And be it further enacted* by the authority aforesaid, That the
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To be commenced within one year.

building of the said bridge hereby authorized, shall be commenced within one year from and after the passing of this Act, and shall be entirely finished and fit for use within three years thereafter, else this grant herein and hereby made to said company, shall be utterly void and of no effect. And when the said bridge shall be finished, the said company shall at all times cause the same to be kept in good order and repair; and if the said company shall at any time neglect or fail to keep the said bridge in repair as aforesaid, the said company shall be liable to be indicted, and on conviction shall be fined in a sum not exceeding five hundred dollars.

To be vested in the company.

XXXV. *And be it further enacted* by the authority aforesaid, That when the said bridge is completed, it shall be, and is hereby, vested in the said company or their assigns, forever in fee simple: *Provided*, that the grant herein made to the said company shall not be construed to prevent the Legislature from authorizing any other bridge to be built, or from granting any ferry, over Broad river in the vicinity of the same spot, if at any time it shall be deemed expedient.

Navigation not to be obstructed.

XXXVI. *And be it further enacted* by the authority aforesaid, That in the building said bridge, the said company shall not in any way obstruct or interrupt the navigation of Broad river, or in any degree prevent the execution of any plan that may have been or may be devised for improving the navigation of the said river.

Rates of toll.

XXXVII. *And be it further enacted* by the authority aforesaid, That the rates of toll to be received at said bridge, shall be the same as those established by law.

Private property taken, to be paid for.

XXXVIII. *And be it further enacted* by the authority aforesaid, That in case this company shall be under the necessity of using private property for the erection of the said bridge, or for connecting the same with the main road, and in case the proprietor of the said land and the said company cannot agree as to the price, then the same shall be valued by five commissioners, or a majority of them, to be appointed by the Court or Equity or Common Pleas in Richland district; and upon payment of the said valuation by the said company, the land so valued shall vest in them in fee simple.

What materials to be used.

XXXIX. *And be it further enacted* by the authority aforesaid, That the said bridge shall be constructed of as durable materials and in as substantial a manner as the bridge over the Congaree river, opposite the town of Columbia, and with a sufficient elevation above the highest freshes, in order that the latter bridge may not be injured by the destruction of the former bridge.

Road to be laid out.

XL. *And be it further enacted* by the authority aforesaid, That the commissioners of roads for Marlborough district do cause to be laid out, opened, and kept in repair, a road commencing near Marlborough court house, at the same point where a new road was commenced to be opened by order of the board of commissioners, and running from thence near the house of William Scale, so as to intersect the road leading from the Beauty Spot bridge to Cheraw, at the lower corner of William Stubb's plantation.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND TON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

Acts relating to Roads, Bridges and Ferries.

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**AN ACT TO AUTHORIZE THE FORMATION OF CERTAIN COMPANIES FOR
THE CONSTRUCTION OF TURNPIKE ROADS AND BRIDGES.** No. 2436.

I. *Be it enacted*, by the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That the formation of a company, to be called the York Turnpike Company, be authorized for the construction of a turnpike road from the town of Columbia, the shortest practicable route through Winnsborough, Chesterville and Yorkville, to the North-Carolina line, and that the stock of the said company be composed of one thousand shares.

II. *And be it further enacted* by the authority aforesaid, That the formation of a company, to be called "The Lancaster Turnpike Company," be, and the same is hereby, authorized, for the construction of a turnpike road from Camden, through Lancasterville, to the North Carolina line. The capital stock of the said company shall be composed of five hundred shares.

III. *And be it further enacted* by the authority aforesaid, That the formation of a company is hereby authorized, to be called "The Western Turnpike Company," for the construction of a turnpike road, from Younger's, on the road above the junction of Broad and Saluda rivers, by Spring Hill to Smith's Hill, on the road from Spring Hill to Newberry court house, and there to branch; one branch thereof to pass by Newberry court house to the main road between the Black Jack Tavern and Laurensville, and the other branch to pursue the most practicable and nearest route from Smith's Hill to the ridge road between the Enoree and Tyger rivers. The capital stock of the said company shall be composed of eight hundred shares.

IV. *And be it further enacted*, That the formation of a company, to be called "The Hampurg Turnpike Company," be authorized, for the construction of a turnpike road and bridge or bridges, from the Saluda Gap to Hamburg; and that the stock of the said company be composed of one thousand shares.

V. *And be it further enacted*, That the formation of a company, to be called "The Camden Turnpike Company," be, and the same is hereby, authorized for the construction of a turnpike or rail road, from the Wateree river, at Belton's boat yard, to Broad street, in the town of Camden, and such branches thereof between the said river and street as may be necessary. That the said road shall be constructed of stone or gravel, or on the plan of the best improved rail roads, at the option of the company. The capital stock of the company shall be composed of sixty shares, and the maximum rate of toll shall be one fourth the rate of toll established in the thirty-fourth section of an Act of the Legislature, passed during the present session of the Legislature, entitled "An Act establishing the principles on which companies shall be incorporated, and the charters of ferries, bridges and turnpike roads shall be hereafter granted, and for other purposes therein expressed."

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND F'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

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No. 2444.

AN ACT TO RE-CHARTER THE CAMDEN FERRY.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry over the Wateree river, near the town of Camden, be, and the same is hereby, re-established as a public ferry, and vested in the Camden Bridge Company, until the bridge over the said river is completed; with the same rates of ferriage as heretofore allowed by law.

In the Senate House, the thirtieth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-second year of the Sovereignty and Independence of the United States of America.

JACOB BOND FON, *President of the Senate.*JNO. B. O'NEALL, *Speaker of the House of Representatives.*

No. 2449.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

Comm'rs. for
St. George's.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That George Sistrunk, John Grimes, Thomas Easterling, Joseph Patrick, and Battus Inabnet, be appointed commissioners of roads, and shall constitute a part of the upper board for St. George's parish.

Road in Wil-
liamsburgh.

II. *And be it further enacted* by the authority aforesaid, That an old road in Williamsburgh district, called the Samuel James's road, from an old field opposite to William Brown's, to its intersection with the main road near William Cooper's plantation, in Indiantown, be re-established as a public road; and shall be worked on and kept in repair as such.

Road in Barn-
well.

III. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out by the commissioners of roads for Barnwell district, commencing at Hatcher's Ponds, running thence, the nearest and best route, to Gulleage's ford, on Shaw's Creek; thence, the nearest and best way, to Merrit's bridge, on South Edisto river, where it will intersect the Columbia road.

Jarratt's ferry
over Tugaloo
river.

IV. *And be it further enacted* by the authority aforesaid, That a public ferry shall be established over Tugaloo river, at the plantation of Deveraux Jarratt, and vested in him, his heirs and assigns, for the term of seven years; and that he be allowed the same rates of ferriage as is allowed by law at Maxwell's ferry, on Saluda river.

Ferry vested in
the heirs of
C. Chappell.

V. *And be it further enacted* by the authority aforesaid, That Chappell's ferry, over the Saluda river, be re-established for the term of seven years, and vested in the heirs of Charles Chappell, their heirs and assigns; with the same rates of ferriage as heretofore.

VI. *And be it further enacted* by the authority aforesaid, That the ferry

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over the Catawba river, formerly known as Herron and Spratt's ferry, be Moore & re-established for the term of seven years, and vested in William Moore Spratt's ferry over Ashley and Thomas Spratt, their heirs and assigns; with the same rates of ferry-charge as heretofore. river.

VII. *And be it further enacted* by the authority aforesaid, That Ashley ferry be, and the same is hereby, re-established, with the same rates of ferry-charge as heretofore, for the term of seven years; and vested in Joseph Bee, his heirs and assigns. Bee's ferry over Ashley river.

VIII. *And be it further enacted* by the authority aforesaid, That the twenty-ninth section of an Act, passed on the _____ day of December, one thousand eight hundred and twenty-seven, be, and the same is hereby, repealed. Part of an Act of 1827 repealed.

IX. *And be it further enacted* by the authority aforesaid, That an old road leading from the State road, near Ulm's, by Totness's plantation, to the old road from Huger's ferry, and the said old road from Huger's ferry, from the intersection aforesaid to the McCord's ferry road, shall be worked on and kept in repair by the commissioners of roads for St. Matthew's parish, as a public road. Road in St. Matthew's.

X. *And be it further enacted* by the authority aforesaid, That the road called the old Sumter road, shall be worked on and kept in repair as a public road, from the Camden road, near the plantation now occupied by Dr. Henry DuBose, leading by Colonel Benbow's plantation, formerly called Potter's Hill, until it intersects the Columbia road, near St. John's Meeting House, on Spring Hill; and it shall be the duty of the commissioners, within whose jurisdiction the same may be, to cause to be opened and worked on, a continuation of the said old road, which has been partially opened from the said meeting house by McKenzie's mill, to the Black river road to Camden. And that Wylie Belvin, Shadrack Matthews, James McKenzie, Jesse Worrell, and Evan Benbow, be appointed commissioners, to carry the same into effect, on condition that they pay to Samuel Dunlap the value of the land taken for said road; to be ascertained by assessment. The old Sumter road to be kept open.

XI. *And be it further enacted* by the authority aforesaid, That Berry's ferry, over the Savannah river, be, and the same is hereby, re-established as a public ferry, and vested in Hudson Berry, his heirs and assigns, for the term of seven years; who shall be allowed the same rates of toll as are allowed at McDonald's ferry, on the same river. Berry's ferry over Savannah river.

XII. *And be it further enacted* by the authority aforesaid, That Elias Earle, Lewelling Goode, John McFall, jr., Willis Benson, and B. F. Perry, be, and they are hereby appointed, commissioners, to lay out and mark a road to be opened, the nearest and best way, from Anderson court house to Greenville court house; and after giving three months public notice to those persons through whose land the same may run, if no objection be made, they shall report to the different boards of commissioners of roads, through whose road divisions the same may run, who shall immediately cause the said road to be opened as a public road; but if any objection be made, they shall report to the Legislature at the next session. Road from Anderson C. H. to Greenville C. H.

XIII. *And be it further enacted* by the authority aforesaid, That a road shall be laid out in Saint Peter's parish, from the Red Bluff, in a direct line, to the main Tunbridge road, through the lands of William Whitehead, John D. Mongin, and Thomas Hardee; and it shall be the duty of the said board of commissioners of roads, within whose jurisdiction the said road may be, to cause the same to be opened and kept in repair as a public road. Road.

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*Acts relating to Roads, Bridges and Ferries.*Bridge over
Enoree river.

XIV. *And be it further enacted* by the authority aforesaid, That the toll bridge, over Enoree river, commonly known by the name of the Mountain Shoals, be re-established, and vested in Starling Tucker, his heirs and assigns, for the term of seven years; and that the same rates of toll be taken thereat, as were heretofore allowed by law.

Cox's ferry
over Wacca-
maw.

XV. *And be it further enacted* by the authority aforesaid, That Cox's ferry, over Waccamaw river, be, and the same is hereby, re-established, and vested in Herman Cox, his heirs and assigns, for the term of seven years; with the same rates of ferriage heretofore allowed.

Steam boat fer-
ry from Char-
leston to Sulli-
van's island.

XVI. *And be it enacted*, That from and after the passing of this Act, a Steam Boat ferry shall be, and is hereby, established between Charleston and Sullivan's Island, for the period of seven years; and the same is hereby vested in the Town Council of Moultrieville, who are empowered to establish the rates of ferriage, to make all necessary and proper regulations for the same, and if they should judge it expedient, to let out the said ferry, for the whole or any part of the said term, and to prescribe such conditions in the lease as may seem to them desirable.

Comm'rs. of
the town of
Kingstree.

XVIII. *And be it further enacted* by the authority aforesaid, That John McClary, William Wilson, Thomas D. Singleton, Sen., Peter G. Gourdine, and Isaac Nelson, Sen., be, and they are hereby appointed, commissioners in the town of Kingstree.

Wallace's
bridge to be
leased.

XVIII. *And be it further enacted* by the authority aforesaid, That the power vested in the commissioners of roads for Saint Paul's parish, by an Act of the Legislature, passed in the year one thousand eight hundred and five, to grant a lease of Wallace's bridge and causeway, be, and the same is hereby, extended for the term of fourteen years from the passing of this Act.

Murray's ferry.

XIX. *And be it further enacted* by the authority aforesaid, That the seventh section of an Act entitled "An Act to establish certain roads, bridges and ferries," passed in December, one thousand eight hundred and twenty-six, be so altered as to vest Murray's ferry in the devisees of Theodore Gourdine.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*B. F. DUNKIN, *Speaker of the House of Representatives.*

Acts relating to Roads, Bridges and Ferries.

A D. 1839.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

No. 2477.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, *Ferry vested in* That the ferry from the town of Beaufort to the point of Lady's Island, *A. Agnew.* heretofore vested in James Agnew, be, and the same is hereby, re-established, and vested in Ann Agnew, her heirs and assigns, for the term of seven years; with the same rates of ferriage as heretofore allowed by law.

II. That the ferry over Kingston Lake, at Orangeburgh, be, and the *Ferry vested in* same is hereby, re-established, with the same rates of ferriage as heretofore; *H. Durant.* and vested in Henry Durant, his heirs and assigns, for the term of two years.

III. That Ashepoo ferry, in Colleton district, be re-established for the term of seven years, with the same rates of ferriage heretofore allowed; *Holgerson & Peerson's ferry* and that two-thirds thereof be vested in Sarah Holgerson, her heirs and *over Ashepoo.* assigns, and one third in Catherine Peerson, her heirs and assigns.

IV. That Silas S. Anderson be, and he is hereby, authorized to erect a toll bridge over Lynch's Creek, at Myer's ferry, which shall be vested *Bridge over* in Silas S. Anderson, his heirs and assigns, for the term of seven years; *Lynch's creek.* and that he be allowed the following rates of toll, viz:—for every four wheeled carriage, fifty cents; for every two wheeled carriage, twenty-five cents; for man and horse and foot passenger, six and a quarter cents; black cattle, per head, three cents; for every head of hogs, sheep or goats, two cents; for every head of turkeys, one cent.

V. That the commissioners of cross roads on Charleston Neck be, and they are hereby, authorized to cause lamps to be set up, lighted and kept in *Lamps on* good order, on the King-street road, from the boundary of the city to the *Charleston* lines, in the same manner and under the same regulations as lamps are *Neck.* lighted within the city of Charleston: *Provided*, that the funds in their hands, arising from taxes levied, be sufficient for the above purposes, after defraying all other expenses and charges incident to their duties as commissioners of Cross roads.

VI. That John Evans be, and he is hereby, permitted to change the road crossing Penn Branch, near his mill, so as to pass the same over his mill *Road changed.* dam: *Provided*, he open the road, and keep it in repair at his own expense.

VII. That the eighteenth section of an Act passed on the twentieth day of December, one thousand eight hundred and twenty-five, entitled "An *Repealing* Act to reduce all the Acts and clauses of Acts of the General Assembly of *clause.* this State, relating to the powers and duties of the commissioners of roads, into one Act," be, and the same is hereby, repealed, so far as the same may apply to the several boards of commissioners of roads for Sumter district.

VIII. That Witherspoon's ferry be, and the same is hereby, re-established, and vested in D. R. Williams, his heirs and assigns, with the rates of *William's ferry.* ferriage heretofore allowed, until he shall have completed the bridge, provided for in the next clause of this Act: *Provided*, the said bridge shall be finished in seven years.

IX. That David R. Williams be, and he is hereby, authorized and empowered to erect a bridge over Lynch's creek, and a causeway over the low grounds adjacent thereto, at or near Witherspoon's ferry; and after the

A. D. 1839.

*Acts relating to Roads, Bridges and Ferries.*Bridge to be
erected.

completion of the said bridge, the ferry shall be discontinued, and the public road so altered on both sides of the creek, as to pass over the said bridge; which alteration shall be made by the said David R. Williams, under the directions of the commissioners of the roads within whose division the same may lie.

New road.

X. *And be it further enacted* by the authority aforesaid, That an alteration made by the commissioners of roads for Newberry district, near Newberry court house, on the road from said court house to Belton's old store, be, and the same is hereby, sanctioned and substituted for that part which the said commissioners have discontinued.

Holly's ferry
over Saluda
river.

XI. *And be it further enacted* by the authority aforesaid, That Waters's ferry over Saluda river, be, and the same is hereby, re-established, and vested in John Holly, his heirs and assigns, for the term of seven years, with the same rates of ferriage heretofore allowed.

Ferry vested in
J. Ervin.

XII. *And be it further enacted* by the authority aforesaid, That Cashway ferry be, and the same is hereby, re-established, and vested in James Ervin, his heirs and assigns, for the term of seven years, with the rates of ferriage heretofore allowed.

Road in St.
Peter's.

XIII. *And be it further enacted* by the authority aforesaid, That the road laid out by the board of commissioners of roads for St. Peter's parish, in obedience to an Act of the General Assembly, entitled "An Act to establish certain roads, bridges, and ferries," passed the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight be, and is hereby, established as a public road, and shall be worked, on and kept in repair as such.

Turnpike road
vested in C.
Keith.

XIV. *And be it further enacted* by the authority aforesaid, That Cornelius Keith be, and is hereby, authorized to establish a turnpike road, for the term of seven years, to extend from the one already granted him, leading from Pumpkin Town to the base of the Table Mountain, to the summit thereof, the usual route; and that he be allowed to receive the same rate of toll per mile that is allowed on the road that has already been chartered to him.

Road from
Gardner's Hill.

XV. That the old road leading from Gardner's Hill, on the Beaver Creek road, through the plantation of John Fraser, and intersecting the Mickle's ferry road at Rebekah Tilman's, known by the name of the Barnet road, shall hereafter be a public road, and shall be worked on and kept in repair by the commissioners of roads for Kershaw district; and that John Canteley, William Whitaker, and Jesse Giles, be appointed commissioners to make such alterations in the said road as may be compatible, in their opinion, with the public interest, and the convenience of the said Fraser.

Road.

XVI. That two alterations, made by Col. Evan Bambo, in the Scott's Lake road, in Clarendon county, with the approbations of the commissioners of roads, be established as a part of the said Scott's Lake road, and so much of the said road as lies between the beginning of the first alteration, and the termination of the second, be, and the same is hereby, discontinued as a public road.

Bridge over
Little Peedee.

XVII. That William Huggins be, and he is hereby, permitted to build a bridge over Little Peedee river, at Pain's landing, which shall be vested in him for the term of seven years, with such tolls as may be prescribed by the commissioners of roads for Marion district.

Road.

XVIII. A new road shall be laid out and kept in repair from the Harrelson new road at the Sandhill, to cross Little Peedee at Pain's landing, and intersect the Marion road at Hugh Harrelson's plantation.

Acts relating to Roads, Bridges and Ferries.

A. D. 1899.

XIX. That the ferry in Christ Church Parish, heretofore vested in William Mathews, and known by the name of Milton ferry, be re-chartered, and vested in the said Mathews, his heirs and assigns, for the term of seven years, and that he be allowed the same rates of ferriage as heretofore. Mathew's ferry.

XX. That a new road shall be laid out, commencing at or near John Bright's, in Lexington district, on the Newberry road, and running a direct course to Jacob Busby's, on the Union road; and that part of the Newberry road lying between John Bright's and Andrew Summers, be discontinued as a public road. New road.

XXI. That the commissioners appointed by the tenth section of an Act passed on the twentieth day of December, one thousand eight hundred and twenty eight, entitled "An Act to establish certain roads, bridges and ferries," be, and they are hereby, authorized and required to call out all the inhabitants liable to work on the public roads, living within five miles of any part of the road mentioned in the said Act, for the purpose of opening and completing the same, and when completed, they shall notify the commissioners of the roads through whose divisions the said road may run, and the said commissioners of roads, from that time, shall cause the said road to be kept in a proper state of repair. A certain road to be opened.

XXII. *And be it further enacted* by the authority aforesaid, That a new road, laid out and opened by the commissioners of roads, in Edgefield and Barnwell districts, and along which the mail stage from Charleston to Augusta now passes, shall be, and the same is hereby declared, a public road. New road.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of American.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

A. D. 1832.

Acts relating to Roads, Bridges and Ferries.

No. 2503. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Port's ferry be, and the same is hereby, re-established, and vested in Francis Davis, his heirs and assigns, for the term of seven years, and that the following rates and toll be received: for every man and horse, short ferry, twelve and a half cents; for every man and horse, long ferry, fifty cents; for every foot passenger, short ferry, six and a quarter cents; for every foot passenger, long ferry, twenty-five cents; for every mule or horse, short ferry, six and a quarter cents; for every mule or horse, long ferry, twenty-five cents; for every four wheel carriage, drawn by four horses, short ferry, one dollar; for every four wheel carriage, with four horses, long ferry, two dollars; for every four wheel carriage, drawn by two horses, seventy-five cents; for every four wheel carriage, drawn by two horses, long ferry, one dollar and fifty cents; for every four wheel light carriage, drawn by one horse, sixty-two and one half cents; for every four wheel light carriage, drawn by one horse, long ferry, one dollar and twenty-five cents; for every two wheeled carriage, short ferry, twenty-five cents; for every two wheel carriage, long ferry, seventy-five cents; for each head of cattle, short ferry, five cents; for each head of cattle, long ferry, twenty-five cents; for each head of hogs or goats or sheep, short ferry, four cents each; for each head of hogs, goats, or sheep, long ferry, twelve and one half cents.

II. *And be it further enacted* by the authority aforesaid, That the ferry over Savannah river, at Campbellton, be, and the same is hereby, re-established, and vested in William Garrett, sen., for the term of seven years, and that the same rates of toll be received and taken thereat as heretofore allowed by law.

III. *And be it further enacted*, That no person or persons shall build, or cause to be built, any bridge, keep or cause to be kept, any ferry, or other convenience, for crossing the said Savannah river, (except for their own use,) between the said ferry and the town of Hamburg, under the penalty of five thousand dollars for every such trespass, to be recovered by action of debt, in any court having jurisdiction thereof.

IV. *And be it further enacted* by the authority aforesaid, That the ferry over Saluda river, known as Wilson's, be, and the same is hereby, re-established, and vested in Sarah Wilson and Murphy Wilson, for the term of seven years, and that the same rates of toll be taken and received thereat as heretofore allowed by law.

V. *And be it further enacted* by the authority aforesaid, That the ferry over Saluda river, heretofore known as Sims's ferry, be, and the same is hereby, re-established, for the term of seven years, and vested in Elizabeth Hopper and John Simons, and their heirs, and that the same rates of toll be taken and received thereat as heretofore allowed by law: *Provided*, that nothing herein contained shall be construed to impair the right or prevent the re-establishment of Conner's and Neily's ferry on said river.

VI. *And be it further enacted* by the authority aforesaid, That the toll bridge over South Edisto river, on the road leading from Columbia to Barnwell court house, at the place formerly called Keadel's bridge, be, and the same is hereby, re-established, for the term of seven years, and vested in James S. Guignard, and that the same rates of toll be taken and received thereat as heretofore allowed by law.

Acts relating to Roads, Bridges and Ferries.

A. D. 1830.

VII. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, a public ferry shall be, and is hereby, established across the Catawba river, on the plantations of Orsamus Lanier, of Lancaster district, and Allen Jones Green, of Chester district, for the term of seven years, and that the same rates of tolls be received thereat as is established by law for McDaniel's ferry, on the same river, and that the same be vested in Orsamus Lanier, and his heirs, and Allen Jones Green, and his heirs.

Ferry across
Catawba river.

VIII. *And be it further enacted* by the authority aforesaid, That Josiah Price, E. C. Jones, E. H. Crocket, Wm. Cauthen, George Dunlap, Daniel G. Stinson, Elijah Crook, Joseph Gaston, James D. H. Gaston, and James Crain, be, and they are hereby appointed, commissioners to lay out a road from the main road leading from Lancasterville to M'Daniel's ferry, commencing at E. F. Crocket's, through the lands of Orsamus Lanier, George Dunlap, Josiah Price, Mrs. Cox and Benjamin C. Jones, to the said ferry, from thence through lands of Allen Jones Green, to the main road leading from McDaniel's ferry to Chesterville; and that all the male inhabitants within five miles of said road, now bound to work on public roads, shall be liable to work on the said road.

Road thereto.

IX. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the board of commissioners of the roads in each and every district and parish, shall have power to discontinue any road now established or hereafter to be established by law, after three months public notice has been given, by advertisement, in the settlement through which the road proposed to be discontinued passes: *Provided*, no objection should be made thereto—but in case any objection should be made to the closing up or discontinuing of the said road, then the same shall be kept open and repaired until discontinued according to law.

Power of com-
missioners.

X. *Whereas*, Silas S. Anderson has obtained permission to erect a toll bridge over Lynch's creek, at Myer's ferry. *And whereas*, upon examination, it was found most expedient to erect the said bridge about five hundred and fifty yards below the old ferry. *Be it therefore enacted* by the authority aforesaid, That the said Silas S. Anderson be, and he is hereby, authorized to change the direction of the old road so as to cross the bridge so erected, the new road to leave the old one about one and a fourth mile east of the creek, and intersect the old road about one fourth of a mile west of the creek.

Road changed.

XI. *And be it further enacted* by the authority aforesaid, That the commissioners of roads for Marlborough district be, and they are hereby, authorized to discontinue that part of the road, leading from Fayetteville to Society Hill, commonly called the old stage road, which lies between the swamp of Crooked Creek bridge, and the dwelling house of Richard S. Grant, including a distance of four miles.

Road discontinued.

XII. *And be it further enacted* by the authority aforesaid, That N. B. Cockrill, Britton Alsobrook, W. Hudnall, and Hiram Wilder, be, and they are hereby appointed, commissioners to lay off a road, leading up Black river, from Benjamin West's old place, by the nearest and best route, so as to intersect the main Charleston road, near Focataligo bridge; and that all the male inhabitants within five miles of the said road, now bound to work on public roads, shall be liable to work on the same.

New road.

XIII. *And be it further enacted* by the authority aforesaid, That Richard Minus and Daniel R. Bowman be, and they are hereby appointed,

Additional
comm'rs.

A. D. 1830.

Acts relating to Roads, Bridges and Ferries.

additional commissioners of roads for the upper division of the parish of St. George's Dorchester.

Privilege of
running steam
ferry boats.

XIV. *And be it further enacted* by the authority aforesaid, That James Hibben, sen., his heirs and assigns, be vested, for twenty one years, with the exclusive privilege of running one or more steam ferry boats from Charleston to the head of Wando river, for the purpose of carrying passengers, stock, et cetera, and for no other purpose. And that the said James Hibben, sen., be authorized to touch at and land passengers at the various landing places on said river, and to charge the same ferriage therefor as he is now allowed to charge at his ferry on Cooper river: *Provided*, the same does not interfere with the chartered privileges of any other person or company: And *provided, also*, that he puts one or more of said boats in operation within two years after the passing of this Act.

Tiller's ferry
over Lynch's
creek.

XV. *And be it further enacted* by the authority aforesaid, That a toll bridge be, and the same is hereby, established at Tiller's ferry, over Lynch's creek, and the same be vested in James Tiller, his heirs and assigns, for the term of seven years, and that he be allowed the same rates of toll as was heretofore allowed by law at Tiller's ferry.

New road
in Chesterfield.

XVI. *And be it further enacted* by the authority aforesaid, That a public road be, and the same is hereby, established in Chesterfield district, commencing near Tiller's ferry in the said district, and running towards Cheraw, and falling into the road now in use by the stages from Camden to Cheraw, within three quarters of a mile from Thompson's creek, crossing Black creek, in its route, at the Rocky ford. And the commissioners of roads for Chesterfield district shall cause the said road to be worked on and kept in good repair.

New road
in Clarendon.

XVII. *And be it further enacted* by the authority aforesaid, That Wm. McIlveen, John Redden, Eldred Evans, Wm. Buddin and Eli Flemming, be, and they are hereby appointed, commissioners to lay out and establish a new road in Lower Salem, in the county of Clarendon, from James Fulwood's, on Black river, by the nearest and best route, to Mrs. Johnson's, on Pudding swamp, and that the same be kept in repair by the commissioners of roads for the same county.

Who exempt.

XVIII. *And be it further enacted* by the authority aforesaid, That the negroes belonging to James Hamilton, jr., Daniel Huger and Langdon Cheves, and all other persons liable to work on the said road, be, and they are hereby, exempt from working on the public road leading from Red Bluff to the main Tunbridge road, until the first day of January, one thousand eight hundred and thirty-two.

Boards of com-
missioners to
protect them-
selves.

XIX. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the several boards of commissioners of roads in the several districts and parishes, throughout this State, constituted according to law, shall have power, while formed and sitting as such, for the performance of their appropriate duties, and the transaction of their legal business, to protect themselves from all undue interruption and disturbance, and from insult and contempt, in the same manner, by the same means, and to the same extent, as Justices of the Peace and Quorum, and other courts of limited and inferior jurisdiction now have; and are hereby vested with all the right, powers and privileges, while sitting and transacting business as a board, which such justices and inferior courts now have, and by law may exercise, of preventing and punishing such interruption, disturbance, insult and contempt.

Acts relating to Roads, Bridges and Ferries.

A. D. 1830.

XX. *And be it further enacted* by the authority aforesaid, That the board of commissioners of roads for the lower regiment, in Barnwell district, be, and the same is hereby, dissolved, and two new boards be established in the same, the one in the eastern and the other in the western battalion; and the present commissioners of roads shall form and constitute the said boards within the battalion in which they respectively reside.

Two boards in Barnwell.

XXI. *And be it further enacted* by the authority aforesaid, That the commissioners of roads for the forty-second regiment, be, and they are hereby, authorized to cause to be opened a public road from the Shallow Ford, on Seneca river, pursuing an old road for three miles across or thereabouts across Deep Creek, at Hamilton's Ford; thence to Clayton Webb's; thence to Anderson court house, the nearest and best way between those points.

Road to be opened in Anderson.

XXII. *And be it further enacted* by the authority aforesaid, That the board of commissioners of public roads, on the south-western side of Pee-dee river, for Marion district, are hereby authorized to nominate and elect two members of the said board, in addition to the number, viz. seven, now allowed by law.

Commissioners appointed.

XXIII. *And be it further enacted* by the authority aforesaid, That Dr. F. W. Sims, Joseph V. Shanklin, William D. Sloan, Silas Kirksey, and Thomas Gavin, be, and they are hereby appointed, commissioners, to lay off a road, by the most convenient and eligible route, from Pendleton village to Pickens court house; and that all the male inhabitants, within five miles of the said road, now bound to work on public roads, shall be liable to work on the same.

Road from Pendleton to Pickens.

XXIV. *Whereas*, the charter heretofore granted, in December, one thousand eight hundred and thirteen, by the General Assembly of this State, to Henry Shultz and Lewis Cooper, and their assigns, for a toll bridge, built by them, over the Savannah river, at Augusta, is about to expire, and will expire by its own limitation, in December, one thousand eight hundred and thirty-four; and *whereas*, the President and Directors of the Bank of the State of Georgia have presented their memorial and petition, setting forth that they are the proprietors of the said bridge by legal purchase, and praying that the charter may be renewed and extended. *Be it therefore enacted* by the authority aforesaid, That the said toll bridge, over the Savannah river, at Augusta, built by the said Henry Shultz and Lewis Cooper as aforesaid, be, and the same is hereby, re-established, and that the same be, and is hereby, vested in the President and Directors of the Bank of the State of Georgia, their successors and assigns, for and during the term of fourteen years, from and after the full expiration of the charter for twenty-one years heretofore granted as aforesaid; and that the said president and directors, their successors and assigns, shall be, and they are hereby, authorized to demand, collect and receive the same rates of toll at the said bridge as have been heretofore allowed and established there; and that they shall have, exercise and enjoy, all the exclusive rights, privileges and immunities, that have heretofore been extended and allowed to the former proprietors of the said bridge, under the former charter.

Bridge over Savannah river, re-chartered.

XXV. *And be it further enacted*, That William Cook, John McPherson, and Archibald Simpson, be, and they are hereby appointed, commissioners, to lay out a road from Anderson court house to the neighborhood of Crooked Creek, the nearest and best route, and shall report the same to the board of commissioners for the fourth regiment, who are thereupon

Road from Anderson to Crooked creek.

A. D. 1831.

Acts relating to Roads, Bridges and Ferries.

authorized and required to cause the same, forthwith, to be opened by the persons liable to work on the same.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2532. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

Road from
Pendleton to
Pickens.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of roads for the fifth regiment, in Pendleton district, be, and they are hereby, authorized and required to open a road from Pendleton village to Pickens court house, as marked out by commissioners heretofore appointed by the Legislature for that purpose, or as near thereto as an eligible route may be had, by consent of the owners of land over which the same is intended to pass; otherwise, it shall be the duty of the said board to cause to be opened a public road, leading from Pendleton to Pickens, leaving the road by James Gaines's at some convenient point above Eighteen Mile Creek, by Calhoun's Factory, to a suitable point into the road crossing Keowee at Robertson's Ford; and all the hands living within five miles of the said road, without regard to the regimental boundary line, shall be liable to work on the same.

Additional
comm'rs
appointed.

II. *And be it further enacted* by the authority aforesaid, That the board of commissioners of roads for the fifth and second regiments, be, and they are hereby, increased to the number of eleven, in each regiment; and that in addition to the number heretofore appointed by law, John E. Calhoun, James M. Barton, John Odill, and Nathaniel Lynch, are hereby appointed commissioners for the fifth regiment; and Thomas M. Sloan, N. F. Perry, James Kelly, and James McKenny, of Little river, for the second regiment.

Road discontinued.

III. *And be it further enacted* by the authority aforesaid, That the public road heretofore established by law, leading from the village of Pendleton to Ham's ferry, on Seneca river, be, and the same is hereby, discontinued as a public road.

Road from
Greenville C.
H. to Anderson
C. H.

IV. *And be it further enacted* by the authority aforesaid, That a public road be, and the same is hereby, established, leading from Greenville court house to Anderson court house, by the way of Blasingame's bridge, by John Merritt's, Daniel Chamblain's, Snow Hill's, and Robert Pool's; and it shall be the duty of the board of commissioners within whose jurisdiction the said road may be, to cause the same to be kept in repair as a public road.

Acts relating to Roads, Bridges and Ferries.

A. D. 1832

V. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out in Edgesfield district, from or near Liberty Hill, leaving the Augusta road about one half mile below the said place; running from thence by John Yeldell's, where Peter Wilboura now lives; from thence by Mrs. Ogilvie's; thence, by Joseph and James Canfield's, to the Academy; thence, down the Edgesfield road, to Mrs. Thomas's; and from thence, by John Key's, to the bridge on Turkey Creek. And it shall be the duty of the commissioners of roads, within whose jurisdiction the said road may be, to cause the same to be opened and kept in repair as a public road.

New road in Edgesfield.

VI. *And be it further enacted* by the authority aforesaid, That a new road shall be laid out, by the nearest and best route, and in conformity with a survey of the same, made by Hugh Craig, Esquire, at the request of the commissioners of roads for Chesterfield district, from Chesterfield court house to Cheraw; and that Christopher B. Pegues, Peter L. Robertson and Hugh Craig, be, and they are hereby appointed, commissioners to superintend the same. And it shall be the duty of the commissioners of the roads, within whose jurisdiction the said road may be, to cause the same to be opened and kept in repair as a public road; and from and after the opening and completing of the said new road, the old road shall be discontinued.

Road from Chesterfield to Cheraw.

VII. *And be it further enacted* by the authority aforesaid, That the ferry over Catawba river, formerly known by the name of McClennahan's ferry, be, and the same is hereby, re-established, for the term of seven years, and vested in Thomas F. Dunlap, his heirs and assigns; with the same rates of ferriage as heretofore.

McClennahan's ferry.

VIII. *And be it further enacted* by the authority aforesaid, That the ferry over Savannah river, at Fort Moore Bluff, be, and the same is hereby, re-established for the term of seven years, and vested in Abner Whatley, his heirs and assigns; with the same rates of ferriage as heretofore allowed.

Ferry at Fort Moore.

IX. *And be it further enacted* by the authority aforesaid, That the ferry over Saluda river, known by the name of Calk's ferry, be, and the same is hereby, re-established for the term of seven years, and vested in Joseph Bickley; with the same rates of toll as heretofore.

Calk's ferry.

X. *And be it further enacted* by the authority aforesaid, That the ferry across Peedee river and Bull Creek, at Yauhancee Island, be, and the same is hereby, re-established for the term of seven years, and vested in Charles Alston, his heirs and assigns; with the same rates of ferriage as heretofore allowed.

Ferry at Yauhancee.

XI. *And be it further enacted* by the authority aforesaid, That Elizabeth B. Lowndes, Francis K. Huger, and Edward R. Pinckney, be, and they are hereby, authorized to stop a creek commonly called Ford's Creek, running through lands of said persons, in the parish of Prince George Winyaw.

Ford's Creek.

XII. *And be it further enacted* by the authority aforesaid, That the ferry over Peedee, at Cheraw, formerly known as Gillespie's and Sanders's ferry, be, and the same is hereby, re-established for the term of two years, and vested in Seth King, Linde Catlin, Joseph B. Bears, and Deantha Bunnell, their heirs and assigns; with the same rates of ferriage as was established by the charter, in the year of our Lord one thousand eight hundred and seventeen.

Ferry at Cheraw.

XIII. *And be it further enacted* by the authority aforesaid, That a toll

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*Acts relating to Roads, Bridges and Ferries.*Ferry over
Saluda.

bridge be, and the same is hereby, re-established over Saluda river, near Purce's Ford, six miles from Wilson's ferry, for the term of seven years, and vested in Zachariah Nichols, Hugh Poor, and John Clarke, and their heirs and assigns; with the same rates of toll as is established by law at Wilson's ferry.

Road from
Anderson to
Greenville.

XIV. *And be it further enacted* by the authority aforesaid, That a public road shall be laid out and established, from Anderson court house to Greenville court house, crossing Saluda river by James Gamble's bridge; and from thence, by the best and nearest route, until it intersects the road leading from Greenville to Augusta, in Georgia. And it shall be the duty of the commissioners of the roads of the districts of Greenville and Anderson, through whose precincts the said road shall pass, to keep the same in repair as a public road.

Barksdale's
ferry.

XV. *And be it enacted*, That a ferry over Savannah river, heretofore known as Barksdale's ferry, be, and the same is hereby, re-established for the term of seven years, and be vested in Higginson Matheson; with the same rates of ferriage as heretofore established by law.

Ferry over
Kingston Lake.

XVI. *And be it enacted*, That a public ferry over Kingston Lake, at Conwayborough, be, and the same is hereby, established for the term of two years, and vested in Thomas F. Gause, his heirs and assigns; with the same rates of toll heretofore established by law.

Road in Ches-
ter discontinu-
ed.

XVII. *And be it further enacted* by the authority aforesaid, That so much of a public road in Chester district, hitherto established by law, as lies between the point of intersection with the road leading by White's mills to the Nation Ford, near William Montgomery's, and the point of intersection with the road leading by White's mills to Chester court house, near Dr. Charles Boyd's, on the south side of Fishing Creek, be, and the same is hereby, discontinued.

Bridge over
Saluda.

XVIII. *And be it enacted*, That a toll bridge be, and the same is hereby, established across Saluda river, at the place heretofore known as the Free Bridge, for the term of seven years, and vested in John Smith and James Graham; with the same rates of toll as heretofore established by law.

Damages to be
assessed.

XIX. *And be it enacted*, That James Irby, Oliver H. Kollock, and Julius Polnitz, be, and they are hereby appointed, commissioners, to assess the damages which may have been sustained by William Seals and Matthew Husters, in consequence of a public road running through their land, and that they report the same to the next Legislature.

Higgins's
ferry.

XX. *And be it enacted*, That a ferry over Saluda river, hitherto known as Higgins's ferry, be, and the same is hereby, re-established for the term of seven years, and vested in Mark M. Higgins and Joel Abney, their heirs and assigns; with the same rates of ferriage as hitherto established by law.

Younginer's
ferry.

XXI. *Be it enacted*, That a ferry over Saluda river, hitherto known as Hart's or Kennerly's ferry, be, and the same is hereby, re-established for the term of seven years, and vested in Sebastian Younginer, his heirs and assigns; with the same rates of toll heretofore established by law.

McDonald's
ferry.

XXII. *And be it enacted*, That a ferry across the Catawba river, hitherto known as McDonald's ferry, be, and the same is hereby, re-established for the term of seven years, and vested in William K. McDonald, his heirs and assigns; with the same rates of ferriage as hitherto established by law.

XXIII. *And be it further enacted* by the authority aforesaid, That a public ferry over Combahee river, formerly known as Combahee ferry, be, and

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the same is hereby, re-established for the term of seven years, and vested in Arthur Middleton, jr., his heirs and assigns; on the same conditions and with the same rates of ferriage as heretofore established by law.

XXIV. *And be it further enacted* by the authority aforesaid, That a new road in Laurens district, lately laid out by James Watts and John D. Williams, be, and the same is hereby, established as a public road, and the old road shall be discontinued; and it shall be the duty of the commissioners, in whose precinct the said new road lies, to keep it in repair as a public road. New road established in Laurens.

XXV. *Be it enacted* by the authority aforesaid, That the commissioners of roads for Lexington district be, and they are hereby, authorized and required to cause to be opened and kept in repair a road, commencing at the Lexington line, where the new road from Newberry court house in Newberry district terminates at the Lexington line, to intersect the Spring Hill road at or near Koogler's, agreeably to a route surveyed and laid out by Marmaduke Coate, deputy surveyor, or to pursue the said route as near as practicable. New road in Lexington.

XXVI. *And be it further enacted*, That Richard Coleman, Jacob Smith, Amos Banks, Sanders Guignard, and Zebulon Rudolph, be, and they are hereby appointed, commissioners, to examine the route of a road, which is prayed for in the petition of certain inhabitants of Newberry district, from the dividing line between Newberry and Lexington districts, and report to the Legislature, at its next session, whether said proposed road would be better or more convenient than that now used, and what injury, if any, would be done to individuals by laying out said road. Commrs appointed to examine a road in Newberry.

XXVII. *And be it enacted* by the authority aforesaid, That the superintendent of public works, and his agents, be, and they are hereby, invested with the same authority to take any earth, timber or other materials for the repair of the State turnpikes, as is now vested in the commissioners of roads of the several districts and parishes of this State, in the repair of the public roads. New powers vested in superintendent of public works.

XXVIII. *And be it enacted*, That a public road, heretofore laid out by commissioners under the authority of the Legislature, leading to Savannah by the Tunbridge Landing, down to the Red Bluff Landing, on New river, be, and the same is hereby, discontinued. Road discontinued.

XXIX. *And be it further enacted*, That nothing herein contained shall be construed to preclude the Legislature, at any time hereafter, to make such reduction in the tolls of bridges and ferries established by this Act, as may be deemed reasonable and proper. Tolls.

XXX. *And be it further enacted* by the authority aforesaid, That the offices of Secretary and Treasurer shall, in no case, be united in the same person, by any of the boards of commissioners of roads in this State. Offices not to be united.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

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Acts relating to Roads, Bridges and Ferries.

No. 2538. AN ACT TO VEST IN THE PROPRIETORS OF ANY BRIDGE WHICH MAY BE DESTROYED BY FRESHETS OR OTHERWISE, A RIGHT OF FERRY DURING THE TIME THE BRIDGE IS RE-BUILDING.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That where any bridge has been, or shall hereafter be, erected over any river in this State, and the same has been, or shall hereafter be, destroyed or injured by freshets or otherwise, so as to be impassable, the company or individual owning such bridge, shall be, and they are hereby, authorized to establish a ferry at some convenient place within one mile of the site of the said bridge, and to keep the same, and receive the emoluments thereof, not exceeding in amount of ferriage the established tolls receivable at said bridge, during the time the said bridge shall be re-building or repairing. *Provided*, that the re-building or repairing the said bridge shall be begun within six months, and shall be finished within two years, from the time the said bridge shall be destroyed or so injured; and that during the time aforesaid, all other persons shall be excluded from establishing any ferry within three miles of the site of the said bridge, excepting from the operation of this provision, any ferry before that time established by law, and at the time of the destruction or injury of the said bridge, regularly kept and used. *Provided*, the company or individual, as the case may be, shall pay all the damages which may be sustained by any person, consequent upon the establishment of such ferry; to be assessed in the same manner as is now established for the settlement of the damages done to individuals by the turnpike road passing through their lands.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. H. PINCKNEY, *Speaker of the House of Representatives.*

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AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

No. 2568.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a new road in Laurens district, lately laid out and opened by John D. Williams and James Watts, leading from Major John Black's to Chappell's ferry, be, and the same is hereby, established as a public road, and the old road shall be discontinued; and it shall be the duty of the commissioners, in whose precinct the said new road lies, to keep it in repair as a public road. *Provided*, the said John D. Williams keeps open the road leading from his house to Dr. A. F. Goulding's, to where it would cross the old road. New road in Laurens.

II. *And be it further enacted* by the authority aforesaid, That a new road in Union district, shall be laid out and opened, leading from the Duck Ponds by Dr. Thomas Hancock's and R. Lipsey's, to intersect the Pinckney road at Baxter Goings's; thence by Isaac Goings's, to the Scull Shoal Road, near George Garner's. And it shall be the duty of the commissioners, in whose precincts the said new road lies, to keep the same in repair as a public road. New road in Union.

III. *And be it enacted*, That a ferry over Little Peedee river, heretofore called Potatoe Bed ferry, be, and the same is hereby, re-established for the term of seven years, and vested in William S. Rodgers, his heirs and assigns; with the same rates of ferriage as heretofore established by law. Rodgers's ferry.

IV. *And be it enacted*, That two ferries over Black river, the one called North's, the other Avant's ferry, be, and the same are hereby, re-established for the term of seven years, and vested in William V. Brown, his heirs and assigns; with the same rates of ferriage as heretofore established by law. Brown's ferry.

V. *And be it enacted*, That a toll bridge over Edisto river, at Orangeburgh village, be, and the same is hereby, re-established for the term of seven years, and vested in Charles B. Lestergette, his heirs and assigns; with the same rates of toll as heretofore established by law. Lestergette's toll bridge.

VI. *And be it enacted*, That a toll bridge over Saluda river, heretofore called Mauldin's bridge, be, and the same is hereby, re-established for the term of seven years, and vested in Thomas Allen, his heirs and assigns; with the same rates of toll as heretofore established by law. Allen's toll bridge.

VII. *And be it enacted*, That a toll bridge over North Edisto river, called Williamson's bridge, be, and the same is hereby, re-established for the term of seven years, and vested in John Horsey, his heirs and assigns; with the same rates of toll as heretofore established by law. Horsey's toll bridge.

VIII. *And be it enacted*, That a ferry over Edisto river, heretofore called Givham's ferry, be, and the same is hereby, re-established for the term of seven years, and vested in George Givham and Jacob Givham, their heirs and assigns; with the same rates of ferriage as heretofore established by law. G. & J. Givham's ferry.

IX. *And be it enacted* by the authority aforesaid, That the commissioners of roads for Lexington district be, and they are hereby, authorized and required to cause to be opened and kept in repair a road, commencing at the Lexington line, where the new road from Newberry court house in Newberry district terminates at the Lexington line, to intersect the Spring Hill road, at or near Koogler's, agreeably to a route surveyed and laid out by Marmaduke Coate, deputy surveyor, or to pursue the said route as near as practicable. New road in Lexington.

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Cypress causeway re-established.

X. *And be it enacted* by the authority aforesaid, That the Cypress causeway is hereby re-established for the term of fourteen years, and vested in John Inabnit and Nathaniel Laurence, their heirs and assigns, with the same rates of toll as heretofore established by law.

Causeway to be kept in order.

XI. *And be it enacted*, That it shall be the duty of the said Nathaniel Laurence to keep in good repair the bridges and causeways, commencing at the centre to high water mark on the west side, for which he shall receive all the toll for going down; and it shall be the duty of the said John Inabnit to keep in good repair the bridges and causeway, commencing at the centre, to high water mark on the east side; for which he shall receive all the toll for going up; and that William Riggs and William Cumming be, and they are hereby appointed, commissioners to measure and divide said causeway, in conformity with this Act.

Discontinue part of old Keowee road.

XII. *And be it enacted* by the authority aforesaid, That the commissioners of the roads for the fifth regiment, South-Carolina militia, Pendleton district, be, and they are hereby, authorized and empowered to discontinue that part of the old Keowee road which runs from Gresham's road to the new road, crossing Twelve Mile River at Mitchell's ford.

Additional comm'rs.

XIII. *And be it further enacted* by the authority aforesaid, That the board of commissioners of public roads for Lexington district is hereby increased, and Benjamin Jefcoat and Elijah Jones be, and they are hereby appointed, commissioners of roads for the district aforesaid, in addition to the number now allowed by law.

Exemptions from toll.

XIV. *And be it further enacted*, That so much of the Act passed in 1824, as exempts persons living within five miles of a turnpike gate, on any of the State turnpikes, from payment of tolls under certain circumstances, be repealed; and that hereafter all persons living within three miles of any public turnpike road, with their families, servants, &c., who shall claim such exemption, shall be exempted from paying toll at the nearest turnpike gate, above or below their residence, when they do not travel the said turnpike to the next gate, or are not going to or returning from market: *Provided*, that they shall be liable to perform such work on the said turnpike as the inhabitants residing within five miles of turnpike gates have heretofore been liable.

Vienna ferry over Savannah river.

XV. *And be it enacted*, That the ferry over Savannah river, at the town of Vienna in Abbeville district, be re-established for the term of seven years, and vested in Henry Kneeland, his heirs and assigns, with the same rates of ferriage now established by law.

Petersburg ferry over Savannah river.

XVI. *And be it enacted*, That the ferry over Savannah river, in Abbeville district, opposite to Commercial-street, in the town of Petersburg, in the State of Georgia, be re-established for seven years, and vested in Henry Kneeland, his heirs and assigns, with the same rates of ferriage now established by law.

Ancrum's ferry over Wateree river.

XVII. *And be it enacted*, That the ferry over the Wateree river, commonly called Ancrum's ferry, be re-established for the term of seven years, and vested in the heirs of William Ancrum, deceased, with the same rates of ferriage now established by law.

Nealey's ferry over Saluda river.

XVIII. *And be it enacted*, That the ferry over Saluda river, called Nealey's ferry, be re-established for the term of seven years, and vested in Francis Conner and T. Y. Neely, their heirs and assigns, with the same rates of ferriage now established by law: *Provided*, that nothing herein contained shall prevent the re-chartering of John Sims's ferry over said river.

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XIX. *And be it further enacted* by the authority aforesaid, That the bridge over Tiger river, called Gordon's bridge, be, and the same is hereby, vested in Eli Gordon, his heirs and assigns, for the term of seven years, with the same rates of toll as heretofore allowed for ferriage at that place before the erection of the bridge.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES. No. 2590.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, That the toll bridge over Saluda river, known as Ware's bridge, shall be re-established, and vested in Edmund P. Ware, his heirs and assigns, for the term of seven years, at the same rates of toll as heretofore allowed by law.

II. That a bridge over Tiger river at Bobo's ford, be established, and vested in Bird Murphy, his heirs and assigns, for the term of seven years, with the following rates of toll, to be received only from persons not residing in Union district, to wit: for every four wheeled carriage, horses and driver, fifty cents; for every two wheeled carriage, horse and rider, twenty-five cents; for every man and horse, twelve and one half cents; for every horse, single, three cents.

III. That the ferry over Seneca river, commonly called Sloan's ferry, be, and the same is hereby, re-established in James Sloan, his heirs and assigns, for the term of seven years, with the same rates of ferriage as heretofore allowed by law.

IV. That a road in Greenville district, commonly called the Congaree road, be, and the same is hereby, discontinued as a public road.

V. That a ferry on Savannah river, commonly known as Pace's ferry, be re-established, and vested in Mary Kilcrease, her heirs and assigns, for the term of seven years, with the same rates of ferriage as heretofore allowed by law.

VI. That the road in the district of Williamsburgh, leading from Willtown south, and falling into the road from Kingstree to Georgetown, about three fourths of a mile from Willtown, be, and the same is hereby, re-established as a public road, and the commissioners of roads in said district are required to have said road put in order. And that so much of the twentieth section of "An Act to establish certain roads, bridges and ferries, and for other purposes," passed on the seventeenth day of December, one

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thousand eight hundred and thirteen, as discontinued said road as a public road, be, and the same is hereby, repealed.

Kingston and
Waccamaw
ferries.

VII. That two ferries, one across Kingston lake, and the other across Waccamaw river, be re-established and vested in Henry Durant, his heirs and assigns, for the term of seven years, at the same rates of ferriage as heretofore allowed by law.

Bridge at Sandy
Ford.

VIII. That a bridge be established over Enoree river, at the Sandy ford, and vested in John H. Boyd, his heirs and assigns, for the term of seven years, and that he be authorized to receive the following rates of toll, to wit: for every four wheeled carriage, horses and driver, fifty cents; for every two wheeled carriage, horse and driver, twenty-five cents; for every man and horse, twelve and one half cents; for each led or drove horse, three cents; and for all hogs, sheep or cattle, two cents per head.

Burk's bridge
over Enoree.

IX. That a bridge be established over Enoree, at Burk's Mills, and the title vested in James Burk, his heirs and assigns, for the term of seven years, with the same rates of toll allowed to John H. Boyd for the bridge established at the Sandy ford.

Rocky Mount
ferry on Catawba river.

X. That a ferry be established across the Catawba river, at the site of the Old Rocky Mount ferry, and vested in James Barkley, his heirs and assigns, for the term of seven years, and that he be allowed to take and receive the same rates of ferriage as are now taken and received at McCullough's ferry, on said river.

Turnpike es-
tablished.

XI. That James McKinney be authorized to lay out and make a turnpike road from Pickens court house, by the most convenient route, to the North Carolina line, to intersect said line at some intermediate point between Pickens court house and Macon in North Carolina, and that as soon as said road be completed, it shall be vested in the said James McKinney, his heirs and assigns, for the term of twenty years, and that he be authorized to charge and receive the following rates of toll, to wit:—for every four wheeled wagon, fifty cents; for every gig and horse, eighteen and three quarter cents; for every man and horse, six and a quarter cents; for every single horse, three cents; for all black cattle, two cents; for every hog, one cent.

Road in An-
derson.

XII. *And be it further enacted,* That the commissioners of roads of the fourth regiment, be, and they are hereby, authorized and required to cause to be opened and kept in repair as a public road, the one heretofore marked out and adopted by the said board, from Anderson court house to the neighborhood of Crooked Creek.

Certain road
discontinued.

XIII. That the road in Marion district, leading from Warhee Bluff to Burch's, (now Scott's) ferry, on Great Peedee river, be discontinued as a public road; and that so much of the Act of Assembly of this State, passed on the twenty-first day of December, 1792, as provides for the opening and keeping in repair said road, be, and the same is hereby, repealed.

Certain road
discontinued.

XIV. That the old road leading from the Martin road near Upper Hamburg, (in Edgfield district,) into the road from Edgfield court house to Campbelltown ferry, be discontinued, so soon as Benjamin F. Whitner shall, at his own expense, and under the direction of the commissioners of roads for the seventh regiment in said district, open and put in good order a new road, to leave the said Martintown road about one mile above the point at which the old road leaves it, and to enter the said Campbelltown road about six hundred yards above the present point of entrance into that road.

XV. That the ferry over Peedee river commonly called Godfrey's ferry,

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be, and the same is hereby, re-established, and vested in William Harrington, his heirs and assigns, for the term of one year, with the same rates of ferriage heretofore allowed by law for Godfrey's ferry.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES. No. 2627.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bridge over the Cypress, known by the name of Slan's bridge, is hereby re-chartered for the term of fourteen years, and vested in Barbary Chandless, her heirs and assigns, at the same rates of toll as heretofore allowed. Slan's bridge,
re-chartered.

II. That a public road leading from the Augusta road, near Thomas Raysor's, in St. Bartholomew's parish, to intersect the River road, near Alfred Appleby's, in the parish of St. George's Dorchester, be established, and that Hugo Sheridan, Thomas Raysor, Peter Stokes, Alfred Appleby and David Appleby, be, and the same are hereby appointed, commissioners to open the same, on condition that the said road be opened and kept in repair at the expense of the petitioners. Road.

III. That a bridge or a ferry, at the option of the petitioners, be, and the same is hereby, established over Edisto river, and vested in Hugo Sheridan and Peter Stokes, to receive the same rates of toll as is taken and received at May's ferry, except small two horse wagons, which shall pay twenty-five cents, and no more. And *provided, nevertheless*, that if a bridge is erected, there shall be a sufficient passage left to admit boats and rafts to pass the same. Bridge or ferry
over Edisto
river.

IV. That a public road be established from Walterborough to Alfred Raysor's, on Edisto river; and that J. D. Edwards, Lewis O'Bryan, Jun., and George Raysor, be, and the same are hereby appointed, commissioners to open and construct the same. Road.

V. That a bridge be, and the same is hereby, authorized to be erected over the Edisto river, and vested in Alfred Raysor, to receive the same rates of toll as are received and taken at May's ferry, except for small two horse wagons, which shall pay twenty-five cents. And *provided, nevertheless*, that a sufficient passage be left for boats and rafts to pass the same. Bridge over
Edisto river.

VI. That a public road be opened and established in St. Peter's parish, leading from the Orangeburgh road, near Thomas Willingham's store, to intersect the Robertville road at or near the house of Jesse Deloach; and Road in St.
Peter's.

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that Thomas Willingham, Jesse Deloach, William T. Johnson and Martin Shuman, be, and the same are hereby appointed, commissioners to lay out and construct the same.

Road changed. VII. That the commissioners of roads for Chesterfield district be, and they are hereby, authorized to alter the road leading from Cheraw to Wright's Folly, as follows, to wit:—leaving the present road at the ford of Goodman's creek, where the road now crosses, and running thence to the bridge across Westfield's creek, on the North-west side of Mr. C. B. Pegues's Orange Hill house; and from thence to the present road at or near the plantation now owned by Christopher McRea, Esquire.

Dooley's ferry chartered. VIII. That the ferry over Savannah river, known by the name of Dooley's ferry, be, and the same is hereby, chartered for the term of seven years, and vested in Thomas Ferguson, his heirs and assigns, at the same rates of toll as heretofore allowed by law.

Thorn's ferry re-chartered. IX. That the ferry over the Catawba river, known by the name of Thorn's ferry, be, and the same is hereby, re-chartered for the term of seven years, and vested in Hezekiah Thorn, at the following rates of toll, to wit:—for every foot passenger, six and one quarter cents; for each man and horse, twelve and one half cents; for led and drove horses and mules, each, six and one quarter cents; for all hogs and sheep, ferried or swam, one cent per head; for cattle, three cents per head; for all two wheel carriages, twenty-five cents; for all two wheel carriages with two horses, thirty-seven and one half cents; for all four wheel carriages, with one or two horses, fifty cents; for all road wagons and teams, seventy-five cents.

Comm'rs. appointed. X. That Francis Connor, Stephen Haddon and James Sample, be, and they are hereby appointed, commissioners to open and keep in repair a public road in Abbeville district, leading from the Neely-ferry-road to the brick house, thence to Shotwell's old place, to intersect the Abbeville road.

XI. That the commissioners of roads for the parish of St. James Goose Creek, be, and they are hereby, authorized and empowered to open and keep in repair, the old Four Hole road, leading from William Hart's, on the State road, to the Targate Meeting House; and from thence, to unite with the State road just above Dean Swamp; and that all Acts and clauses of Acts repugnant thereto, be, and the same are hereby, repealed.

Comm'rs. of Lynch's causeway. XII. That the Act appointing commissioners of Lynch's causeway, with powers as a board, passed on the twentieth of December, eighteen hundred and twenty-five, shall not be construed so as to exempt the said commissioners from the operation of the eighteenth section of an Act entitled "An Act to reduce all the Acts relating to the powers and duties of the commissioners of roads, into one Act," passed on the twentieth day of December of the same year.

Minus's bridge. XIII. That the bridge over the Four-hole swamp, in St. George's parish, be, and the same is hereby, re-chartered, for the term of fourteen years, and vested in Richard Minus, Elizabeth P. Minus and Savage S. Minus, their heirs and assigns, at the same rates of toll as heretofore received, on condition that Thomas Hyat be allowed to pass the same free of toll.

Sitton's bridge over Saluda. XIV. That the bridge over the Saluda river at John Sitton's, be, and the same is hereby, established as a toll bridge for the term of seven years, and vested in the said John Sitton, on condition that such persons who have contributed to the building of said bridge, shall pass free of toll, and that he be allowed to receive the same rates of toll as are or have been received at Dacus' bridge over the same river.

XV. That the ferry across the Broad river, known by the name of

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Thomas's & Shelton's ferry, be, and the same is hereby, rechartered for the term of seven years, and vested in Thomas Shelton and J. B. Davis, to receive the same rates of toll as heretofore allowed by law.

Thomas and
Shelton's ferry
re-chartered.

XVI. That all estrays, except horses, asses and mules, shall be sold two months after being tolled; and all horses, asses and mules, be sold four months after being tolled, instead of six months, as heretofore required by law; and all Acts and clauses of Acts repugnant to this Act, be, and the same are hereby, repealed.

Estrays, when
to be sold.

XVII. That the road recently opened; and now in use, from the town of Aiken, in Barnwell district, to its intersection with the Long Cane road at John Lott's, in Edgefield district; and also, so much of the new road recently opened and now in use, from the said town of Aiken to Edgefield court house, as lies between the house of John L. Atkinson and the said house in Edgefield district, be, and the same are hereby, established as public roads; and that so much of the old Charleston road, leading from Edgefield court-house to Aiken, as lies between the extreme intersection of the new roads hereby established, be, and the same is hereby, discontinued as a public road.

Roads in Edge-
field and Barn-
well districts.

XVIII. That the ferry over the Great Peedee river, formerly known by the name of Godfrey's ferry, be, and the same is hereby, re-chartered, and vested in William Harrington, his heirs and assigns, for the term of seven years, at the same rates of toll as heretofore allowed at the said ferry.

Godfrey's ferry
re-chartered.

XIX. That the bridge over Lynch's creek; at the place formerly known as Benbow's landing, be, and the same is hereby, established as a toll bridge, for the term of seven years, and vested in Bartlett Sanders, to receive the same rates of toll as were formerly received at the ferry established at the same place.

Toll bridge,
over Lynch's
creek.

XX. That the charter of the Charleston bridge company be, and the same is hereby, renewed for and during the term of fourteen years, from the sixteenth day of December instant: *Provided*, that in the event of the said company neglecting, for any succession of days, to provide a mode of transportation at that ferry, the charter herein granted, together with all privileges conferred, shall be forfeited.

Charleston
bridge compa-
ny re-charter-
ed.

XXI. That the Charleston bridge company shall be, and they are hereby, permitted to enjoy all the privileges, powers, immunities and benefits which they now enjoy under their charter, and the Acts of the Legislature of this State concerning them, and be subject to all the restrictions prescribed and imposed thereby.

Privileges, &c.
of the same.

XXII. That should a majority in interest of the stockholders in the said Charleston bridge company, deem it advisable to establish a ferry, and run their boats from the head of Broad-street to the opposite shore, or from any public landing place below the present Charleston bridge landing and the head of Broad-street, or from any landing place within those limits that they may procure on either side of the Ashley river, then and in that case, from and immediately after the passing of this Act, a ferry be, and is hereby, established across Ashley river, from and to such places as aforesaid, as may be fixed upon by a majority in interest of the stockholders in the said Charleston bridge company; and that the said ferry be vested in the said Charleston bridge company, their heirs, successors and assigns, for the term of fourteen years: *Provided*, the same rates of toll, or no greater rates, be taken and received thereat, than are now paid to the said Charleston bridge company by law.

Ferry over
Ashley river.

A. D. 1835.

*Acts relating to Roads, Bridges and Ferries.*Harlee's
bridge over
Peedee.

XXIII. That the bridge over Little Peedee river, at Harleesville, be re-chartered for the term of seven years, and vested in Thomas Harlee, his heirs and assigns, with the same rates of toll heretofore allowed by law.

Road discon-
tinued.

XXIV. That a road in Anderson district, leading from Webb's bridge to Roberts's Meeting-house, be, and the same is hereby, discontinued as a public road.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2654. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES IN THIS STATE.

Ferry over Ca-
tawba river.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a public ferry over the Catawba river, at the plantations of David S. Patton and Joseph Watson, be, and the same is hereby, established, and vested, jointly, in the said David S. Patton and Joseph Watson, and their heirs, for the term of seven years, and to receive the same rates of toll as are allowed and received at Moore's ferry, over the same river.

Stokes's ferry,
over Edisto
river.

II. *And be it further enacted* by the authority aforesaid, That Peter Stokes be, and he is hereby, authorized to establish a ferry or erect a bridge, at his option, over Edisto river, on his own land, and the right thereof be vested in him and his heirs, for the term of fourteen years: *Provided*, he leaves a free passage for rafts and boats; and he shall take and receive the same rates of toll as are taken and received at May's ferry: *And provided further*, that he shall not establish the ferry or erect the bridge within three miles of May's ferry.

Moore's ferry
over Catawba
river.

III. *And be it further enacted* by the authority aforesaid, That the ferry over the Catawba river, called Moore's ferry, be, and the same is hereby, re-chartered, and vested in William Moore, for the term of seven years, at the same rates of toll heretofore allowed by law.

Road in Lex-
ington.

IV. *And be it further enacted* by the authority aforesaid, That John C. Hope be, and he is hereby, authorized to close up the road in Lexington district, leading from the lower part of said district to Lexington village; thence to Frederick Wise's ferry, on Saluda river; thence to Henry Gollman's residence, on the Spring Hill road, proceeding to the White Church, and to the point where it intersects the public road leading from Columbia, up Broad river, to Henderson's ferry: *Provided*, that the said John C. Hope shall open, at his own expense, a road along the line of his land, in lieu of the road above mentioned.

Acts relating to Roads, Bridges and Ferries.

A. D. 1833.

V. *And be it further enacted* by the authority aforesaid, That a public road is hereby established, leading from the North Carolina line, at or near the Stone Corner, to Landsford, on the Catawba river, to run between the Waxhaw and Cane creeks, in said district; and that David Lathan and Samuel Faulkner, and Hugh Montgomery, be required to open the same, from Landsford to the Waxhaw church; and Thomas K. Cureton, Wm. Massey and George A. Nesbet, be required to open said road from the church to the North Carolina line.

Road to Landsford.

VI. *And be it further enacted* by the authority aforesaid, That the road laid out from Neely's ferry, on Saluda river, to Shotwell's old place, in the district of Abbeville, be established as a public road; and the commissioners of high roads for the lower Saluda battalion, be, and they are hereby, required to take the said road under their charge, and keep the same in repair.

Road in Abbeville.

VII. *And be it further enacted* by the authority aforesaid, That the charter of Bird Murphy's bridge, over Tyger river, be, and the same is hereby, amended, to read as follows, to wit: for every foot passenger crossing the same, shall pay six and a quarter cents; and for every head of ed. horses, neat cattle, sheep or hogs, two cents.

Charter of Murphy's bridge amended.

VIII. *And be it further enacted* by the authority aforesaid, That a road in Newberry district is hereby established as a public road, which shall leave the Chappell ferry road, near Capt. John Plant's, in said district; and from thence to the Saluda, at the mouth of Williams's creek; and from thence to intersect the Anderson road, leading to Hamburg, in Edgefield district, two miles below Dyson's mills; and the commissioners in whose precinct the said road lies, are hereby required to open and keep the same in repair.

Road in Newberry.

IX. *And be it further enacted* by the authority aforesaid, That the time for commencing a reconstruction of the Camden bridge be extended, and that the company be allowed until the first of January, eighteen hundred and thirty-seven, for that purpose.

Camden bridge.

X. *Be it enacted* by the authority aforesaid, That a ferry be established over Stephens's creek, at the place called the Free ferry, and vested in John Bauskett, for one year from the first of January next; and that he be allowed to receive the following rates of toll:—for a wagon and four horses, twenty-five cents; two wheel carriage, twelve and a half cents; for man and horse, six and a quarter cents.

Ferry over Stephens's creek.

XI. *And be it further enacted*, That the ferry over Ashley river, commonly known as Ashley's ferry, be, and the same is hereby, re-chartered, and vested in Joseph F. Bee, and his heirs, for the term of seven years, at the same rates of toll as heretofore allowed by law.

Ashley's ferry.

XII. *And be it further enacted* by the authority aforesaid, That the ferry over Seneca river, in Pendleton district, be, and the same is hereby, re-chartered, for the term of seven years, and vested in David Cherry, and his heirs, at the same rates of toll as heretofore allowed by law.

Ferry over Seneca river.

XIII. *And be it further enacted*, That a public road be opened and established in St. Peter's parish, leading from the dividing line between the parishes of St. Peter's and St. Luke's, across Cypress creek, at the ford known as the New Ford; thence to James Garvin's; thence to where the new road, established in the year one thousand eight hundred and thirty-four, leading from Thos. Willingham's, terminates; and that Jesse DeLoach, James Garvin and David Weaks, be, and they are hereby appointed, commissioners to lay out said road.

Road in St. Peter's.

A. D. 1835.

Acts relating to Roads, Bridges and Ferries.

Repeal of former Acts.

XIV. *And be it further enacted*, That the twenty-seventh, twenty-eighth, thirtieth and thirty-first sections of "An Act to establish certain roads, bridges and ferries," passed in the year eighteen hundred and twenty-four; and the twenty-third section of "An Act to establish certain roads, bridges and ferries," passed in the year eighteen hundred and twenty-five, be, and the same are hereby, repealed.

Case of absence of commissioner.

XV. *And be it further enacted*, That whenever any commissioner of the roads in any of the boards of this State shall be absent from his district or parish, so that the public roads in his division be neglected or badly repaired, it shall be the duty of the chairman of the board, where such neglect occurs, to appoint some fit and proper person as overseer of said division, and to cause the roads of said absent commissioner to be put in proper order.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2694. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry over Saluda river, commonly known as Lorick's ferry, be, and the same is hereby, re-chartered, and vested in Christianna Haiet, and her heirs, for the term of seven years; at the same rates of toll as heretofore allowed by law.

II. That the ferry over the Great Peedee river, commonly known as Marr's Bluff Ferry, be, and the same is hereby, re-chartered, and vested in John Gibson, and his heirs, for the term of seven years; with the same rates of toll as heretofore allowed by law.

III. That the ferry over the Ashpoo river, commonly known as Ashpoo ferry, in Saint Bartholomew's parish, be, and the same is hereby, re-chartered, and vested in William Cunningham, in trust for James Miller Cunningham, and his heirs, for the term of seven years; at the same rates of toll as heretofore allowed by law.

IV. That the ferry over Catawba river, commonly known as Lanier's and Green's ferry, be, and the same is hereby, re-chartered, and vested in Lanier and Green, and their heirs, for the term of seven years; at the same rates of toll as heretofore allowed by law.

V. That the ferry over Stevens's Creek, at the place called the Free Ferry, be, and the same is hereby, re-chartered, and vested in John Bauskett, and his heirs, for the term of seven years; at the same rates of toll as heretofore allowed by law.

Acts relating to Roads, Bridges and Ferries.

A. D. 1836.

VI. That the number of the commissioners of roads, bridges and ferries, for Marlborough district, be increased to three more; and that James Spears, John G. McDaniel, and James Odom, be, and they are hereby appointed, commissioners of roads, bridges and ferries of said district, in addition to the commissioners heretofore appointed by law, with the same powers and liabilities as are now prescribed by law. Number of comm'rs increased.

VII. That F. G. Thomas be, and he is hereby, authorized to close up the road in Edgefield district, running through his plantation, on the Island Ford road, crossing Ninety-six Creek just above its confluence with Wilson's Creek, and intersecting what is called the Anderson road, about one mile from Dyson's mills, and which said road is hereby discontinued as a public road. Road in Edgefield.

VIII. That a public road is hereby established, leading from Aiken to Rouse's bridge, on the Upper Three Runs, known as the Old Whiskey Road. Road.

IX. That a public road be opened and established, leading from Aiken to Gibson's bridge, on Shaw's Creek; thence, as the road is now opened, from the said bridge to Daniel Segler's place, on Bridge Creek, to intersect a road laid out and opened by the commissioners of roads for Edgefield district; thence to cross South Edisto at Kirkland's old ford, and to intersect the road leading from Edgefield court house to Columbia. Road from Aiken.

X. That a toll bridge is hereby authorized to be erected over Stevens's Creek, at a point about two miles above the place called the Free ferry, in Edgefield district, and is hereby vested in Absalom Delaughter, and his heirs and assigns, for the term of twenty years; and that the following rates of toll be taken thereat, namely:—for every wagon, team of four horses, four wheeled carriage, with horses, rider or riders, fifty cents; wagon with two horses, twenty-five cents; gig or sulkey, eighteen and three quarter cents; man and horse, twelve and one half cents; a foot passenger, six and one fourth cents; all horses, mules or other stock, three cents per head. That a public road be opened and established in the said district, from a point where the Martintown road crosses the Sweet Water Creek; thence, down the south side of the said creek, to Stevens's Creek; thence, crossing said creek, to intersect the Free Ferry road, at a point known as Rocket's plantation. *Provided*, that the said Absalom Delaughter lay out, make and keep in repair the said road at his own expense, and build the said bridge within two years from the first day of January next; and that the commissioners of roads for Edgefield district do lay out the said road. Delaughter's bridge over Stevens's creek.

Road.

XI. That George Stell, Stanhope Vadler, and Dr. William Moore, be, and they are hereby appointed, commissioners of the streets for the village of Yorkville; and they, or a majority of them, and their successors, are hereby vested with all the powers vested by law in the commissioners of roads, over all the streets and roads lying within one mile of the court house of the said village; and persons liable to work on the public roads, residing within the limits aforesaid, shall be liable to work on the said streets and roads, not exceeding twelve days in each year; and shall be exempted from working on every other public road. Commissioners of streets for Yorkville.

XII. That it shall be the duty of the said commissioners to cause all the streets and public roads within the limits aforesaid, to be kept in good repair; and for neglect of duty, they may be punished as other commissioners of roads are now punished by law. Their duty.

A. D. 1836.

Acts relating to Roads, Bridges and Ferries.

Term of office. XIII. That the commissioners of the streets for the village of Yorkville, appointed by this Act, shall continue in office until the first Monday of January, in the year of our Lord one thousand eight hundred and thirty-eight; on which day, and on the same day in every subsequent year, an election shall be held for the commissioners of streets of the said village; to be held by the commissioners for the time being, who shall give ten days notice thereof; and all the free white male inhabitants residing within the limits aforesaid, and who shall have resided six months previous to such election, and liable to work on the public roads by the laws of this State, shall be entitled to vote for the said commissioners. And in case any vacancy shall occur by the death, resignation or removal from the village, of any of the said commissioners, the other commissioners or commissioner shall have power to nominate some person to fill such vacancy until the next election.

Qualification of voters. XIV. That the said commissioners shall have power, and it shall be their duty, to cause patrol duty to be performed by the inhabitants of the said village, and within the above prescribed limits, by those who are now liable by law to perform patrol duty within the same; and to inflict the same fines and penalties for refusal or neglect, as are now prescribed by law; and the said inhabitants are hereby exempt by law from the performance of patrol duty beyond the said above prescribed limits.

XV. That all Acts and clauses of Acts heretofore passed, inconsistent with the four last sections of this Act, be, and the same are hereby, repealed.

Patrol duty to be performed. XVI. That a public road be opened and established in Spartanburgh district, commencing on the Roge s's Bridge road, at Ebworth Moore's old field; leading thence by the Hebron Meeting House; thence crossing Tiger river, at Hill's bridge, near Hill's factory; thence by William Young's, Esquire; thence to intersect the Buncomb road, at or near Capt. Littlefield's. And that William Young, Robert Alexander, and Zachariah Hobby, be, and they are hereby appointed, commissioners to lay out the said road.

Road in Spartanburgh. XVII. That Reuben Stark be, and he is hereby, authorized to close up the road known as Ward's road in Abbeville district, running through his plantation, and which crosses Rocky River, at Vernon's Ford; and that the said road be, and is hereby, discontinued as a public road through the plantation of the said Reuben Stark.

Road to be closed. XVIII. That the ferry at Jacksonborough, commonly called the Jacksonborough ferry, be, and the same is, re chartered, and vested in Mary Jones and John Oswald, jointly, for the term of eight years; at the same rates of toll as heretofore allowed by law.

Jacksonboro' ferry. XIX. That the ferry over Peedee river, known as Cashaway ferry, be, and the same is hereby, re-established, and vested in James Ervin, and his heirs, for the space one year; with the same rates of toll as heretofore allowed by law.

Ervin's ferry. XX. That the ferry over Santee river, heretofore known as Murray's ferry, be, and the same is hereby, re-chartered, and vested in William Staggers, and his heirs, under the name of Staggers's ferry, for the term of seven years; with the same rates of toll heretofore allowed by law. That the said William Staggers, on opening a road on his own lands, through the swamp on said river, and erecting bridges and causeways thereon, and on the inspection and reception of said road by Dr. James Bradley, Isaac Montgomery, and Morgan Sabb, shall be entitled to receive

Murray's ferry.

Acts relating to Roads, Bridges and Ferries.

A. D. 1837.

the same rates of toll from all persons travelling on said road, as heretofore established by law for long ferriage on said river; but the old road now used shall not be discontinued.

XXI. That the time for constructing the bridge over the Wateree, by the Camden Bridge Company, be extended to the first day of January, one thousand eight hundred and thirty-eight; and that until the completion of said bridge, the toll shall be as follows. Four wheeled wagons, drawn by more than four horses, one dollar; four wheeled carriages, drawn by four horses, one dollar; four wheeled wagons, drawn by less than five horses, seventy-five cents; four wheel carriages, drawn by less than four horses, seventy-five cents; two wheel wagons, carriages or carts, fifty cents; horse and rider, twelve and a half cents; led horse, six and a quarter cents; every head of cattle, six and a quarter cents; foot passengers, six and a quarter cents; hog, sheep or goat, two cents; one horse wagon, fifty cents.

Toll at Camden.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of American.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES. No. 2715.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a ferry be, and the same is hereby, established over Waccamaw river, at Royall's landing, and the same is hereby vested in William Royall, and his heirs, for the term of seven years, who is authorized to charge the rates of toll usual on the said river. Royal's ferry.

II. That the ferry over the Saluda river, known as Johnson's and Puckett's ferry, otherwise called Swansey's ferry, be, and the same is hereby, re-chartered, and vested in Jabez W. H. Johnson and Thomas R. Puckett, and their heirs, for the space of ten years, with the same rates of toll as heretofore established. Johnson's & Pucket's ferry.

III. That Cashaway ferry, in Marlborough district, be, and the same is hereby, re-chartered, and vested in Hugh Cannon, his heirs and assigns, for the term of seven years, with the same rates of toll as heretofore allowed. Cashaway ferry.

IV. That the Beaufort ferry, heretofore vested in Ann Agnew, be, and the same is hereby, re-chartered, and vested in John M. Zenly, for the space of seven years, with the right of charging such rates of toll as heretofore established at said ferry. Beaufort ferry.

V. That the ferry formerly known as Lee's ferry, across the Big Saluda, on the road leading from Newberry court house to the markets of Lee's ferry.

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Acts relating to Roads, Bridges and Ferries.

Charleston, Aiken and Hamburg, be, and the same is hereby, re-chartered, and vested in John McNary, for the term of seven years, who is authorized to charge the rates of toll heretofore established.

Toll bridge
over Enoree.

VI. That the bridge over Enoree river, on the road leading from Newberry court house to Maybinton, near the site of the old ferry, lately erected by Thomas H. Henderson, is hereby declared to be a toll bridge, and vested as such in the said Thomas H. Henderson, for seven years, who is authorized to charge such rates of toll as were heretofore received at the said ferry.

Turnpike in
Pickens.

VII. That the charter in favor of Cornelius Keith, for a turnpike road, leading from Pumpkintown to the Table Rock in Pickens district, be, and the same is hereby, renewed for the space of seven years, and the said Cornelius Keith authorized to charge the former rates of toll.

Darlington
funds.

VIII. That the town council of the village of Darlington be, and they are hereby, required to pay over to the commissioners of roads, for Darlington district, all funds received by the said town council for licences to retailers, tavern keepers, or keepers of billiard tables.

Toll bridge
over Seneca.

IX. That the right of ferry over Seneca river, heretofore vested in David Cherry, be, and the same is hereby, changed into a charter for a toll bridge, lately erected by the said David Cherry, and he is hereby authorized to receive the rates of toll established for the said ferry.

Toll bridge
over Lynch's
creek.

X. That the bridge over Lynch's creek, heretofore known as Jones's bridge, is hereby chartered as a toll bridge, and vested in Furney Langston, his heirs and assigns, for the space of seven years; and the rates of toll shall be the same as were formerly received at the said bridge.

Road in Lau-
rens.

XI. That a public road, in the district of Laurens, be opened and established, leading from Laurens court house, by Allen Barksdale's, William Henderson's and Micajah Knight's, until it intersects the Greenville road, at or near William Atwoods; and that the commissioners for said district cause the same to be opened and kept in repair as a public road.

Camden bridge.

XII. That the time allowed to the Camden Bridge Company to commence the reconstruction of their bridge over the Wateree river, be extended to the first day of July next, until which time the said company is hereby authorized to charge at their ferry the rates of toll established by the Act of December, eighteen hundred and thirty-six.

Road in Abbe-
ville.

XIII. That a public road be opened and established, leading from Donald McKillar's plantation, on the Mathew's road, in the district of Abbeville, by Dr. Barratt's, on a ridge, to intersect the five notch road at a point in Edgefield district, one mile and a half above the Cuffeetown creek, avoiding the Devil's Race-paths.

Road in Rich-
land.

XIV. That the commissioners of roads for Richland district be, and they are hereby, authorized and required to straighten the road from Columbia to Camden, between the five mile post from Columbia and Rabb's Mill, and to connect the Ancrum ferry road with the road so to be straightened.

Toll bridge
over Enoree.

XV. That a toll bridge is hereby authorized to be erected over Enoree river, at or near Littleton's old ferry landing, and the same is vested in Jesse Maybin, his heirs and assigns, for the space of seven years, with such rates of toll as are established for the bridge chartered in the ninth section of this Act, and vested in Thomas H. Henderson; and the commissioners of roads of Newberry district are hereby authorized and required to lay out, open and keep in repair a new road, leaving the present

Acts relating to Roads, Bridges and Ferries.

A. D. 1837.

market road at Maybinton, thence proceeding on the lands of Col. Benjamin Maybin and Jesse Maybin, to the said bridge, thence down the south side of the river bank to the line dividing the lands of William Nolin and those of the estate of James Wadlington, deceased, thence on the said line to its termination, at which point the said road shall fork, one branch to be laid out so as to intersect the said market road at Micajah Suber's, and the other, the road leading to Newberry court house at or near Asa Darby's.

XVI. That the public highway in York district, known by the name of Smith's Ford Road, leading from said ford on Broad river, in a north-east direction, intersecting the Lincoln stage road, near the North-Carolina line, be, and the same is hereby, discontinued as a public road. Closing road in York.

XVII. That so much of previous Acts as subdivided the board of commissioners of roads for Barnwell district into three several boards, be, and the same is hereby, repealed, and that henceforth the commissioners of roads of said district shall constitute but one board, which shall be subject to the rules and regulations provided for other boards of commissioners of roads. Barnwell board.

XVIII. That the commissioners of roads for Lexington district be, and they are hereby, authorized and required, either to lay out and open a new road between the Columbia bridge and Lexington court house, or so to change and straighten the present public highway between those points, as to them may seem most conducive to the public convenience. Road in Lexington.

XIX. That a toll bridge over the Saluda river, at or near Wilson's ferry, be, and the same is hereby, chartered, and the same is vested in Sarah Wilson and Charles Garrison, their heirs and assigns, for the term of fourteen years, and they are authorized to charge such rates of toll as were established for Wilson's ferry. Toll bridge over Saluda.

XX. That the road called the New Road, in Prince George Winyaw, leading from the Black river road to the Peedee road, be, and the same is hereby declared, a public highway, and the board of commissioners of roads for Prince George Winyaw, are hereby ordered to keep the same in repair. Road.

XXI. That a new public highway be laid out, opened and established, beginning at or near the house of F. G. Jenkins, on the road to Nelson's, pursuing such route as may seem most convenient to the board of commissioners of roads for Claremount county, in the district of Sumter, and terminating at or near the summer residence of the late Col. Evan Benhow, on the road from Bradford Springs to Camden. Road in Sumter.

XXII. That Harris's ferry on the Waccamaw river, be, and the same is hereby, vested in William Todd, jr., for the term of one year from the passing of this Act, and that he be authorized to receive the rates of toll heretofore established for said ferry. Harris's ferry.

XXIII. That the bridge built by Lewis Bobo and Henry Ferguson over Tiger river, in Union district, at or near Blackstock's ford, the old battle ground, be, and the same is hereby, chartered and vested in the said Lewis Bobo and Henry Ferguson, their heirs and assigns, for the space of seven years; and that they be authorized to charge the same rates of toll as are now allowed at Murphy's bridge over Tiger river. Toll bridge on Tiger.

XXIV. That Gause's ferry over the Waccamaw river, be, and the same is hereby, re-chartered, and vested in Thomas Hemmingway, for the space of one year, with authority to charge the rates of toll usual on said river. Gause's ferry.

A. D. 1837.

*Acts relating to Roads, Bridges and Ferries.*Gambrell's
bridge.

XXV. That Gambrell's bridge over the Saluda river, between the districts of Laurens and Abbeville, be, and the same is hereby, rechartered, and vested in Martin Nabours, as the legal representative of William Grambrell, for the space of one year, with authority to charge the rates of toll heretofore established for said bridge.

Ferry over
Catawba.

XXVI. That the ferry over Catawba river, at Rocky Mount, be rechartered, and vested in James Barkley, his heirs and assigns, for the term of seven years, with the same rates of toll as heretofore allowed by law.

Bridge over
Tiger.

XXVII. That a bridge over Tiger river, at Hamilton's ford, be, and the same is hereby, chartered, and vested in the commissioners of roads for Union district, or their successors in office, for the term of seven years, with the same rates of toll as heretofore allowed by law at Murphy's bridge over the same river; but no toll shall be collected from any of the citizens residing in Union district. But at the expiration of the above period, it shall be declared a free bridge.

Road in Union.

XXVIII. That the commissioners of roads of Union district do lay out, open and keep in repair, a road beginning near the residence of Samuel Davidson, and running by the residence of W. T. Morris, a new building erected by J. S. Dawkins, by Abram J. Smith's, John M. Morris's and Josiah Martin's, and thence to intersect the Mills's Gap road, about one mile below Isaac Peters's.

Island Ford
ferry.

XXIX. That the Island Ford ferry over Saluda river, is hereby rechartered for one year, and vested in William E. Caldwell, James C. Caldwell, and James S. Pope, with the same rates of ferriage and regulations as heretofore established by law.

Road in Union.

XXX. That a public road be opened and established in Union district, leading from Paulk's store, on the main road from Union court house, to the Fish Dam on Broad river, by the most eligible route, to Sims's mills on said river; and that Austin Wilson, William A. Sims, David A. Thomas and E. P. Porter be, and they are hereby appointed, commissioners to lay out said road.

Road.

XXXI. That Samuel King be, and he is hereby, authorized to close a road running through the centre of his plantation, from east to west, in St. Paul's parish, and that the said road be, and is hereby, discontinued as a public road through the plantation of the said Samuel King.

Back River
Board of Com-
missioners.

XXXII. That a third board of commissioners of roads, bridges and ferries be, and is hereby, established in Saint Peter's parish, Beaufort district, to be called "The Back River Board of Commissioners," and that Daniel E. Huger, Langdon Cheves, James B. Bagnall, James Hamilton, and J. Bailey be, and are hereby, appointed said commissioners; and that the jurisdiction of such board shall extend from the plantation of Robt. Smith, Esq., on Channing's creek, Savannah Back river, to the plantation of Dr. Scriven, near the Union Ferry road, inclusive; and that they and their successors have the same powers as commissioners as have heretofore been exercised by the commissioners of roads; and that they be, and are hereby, authorized and required to lay out a road or roads to intersect the Savannah Back river, and to connect the same with the main road leading from Savannah to Charleston; and that the said road or roads, when so laid out, be, and are hereby, established as public highways: *Provided, nevertheless*, that the said commissioners shall, within the period of three years from the first of October next, complete and have in good order, a road leading from the main road to Charleston to the aforesaid Back river: in default of which the aforesaid board shall be dissolved, and this clause to be deemed void and of no effect.

Acts relating to Roads, Bridges and Ferries.

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XXXIII. That the commissioners of the streets of the village of Yorkville, required to be elected by the 13th section of "An Act to establish certain roads, bridges, and ferries," passed on the twenty-first day of December, 1836, shall consist of three persons, elected as provided by the section aforesaid. Comm'rs. of streets.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO DEFINE THE TERMS UPON WHICH THE STATE WILL AID IN No. 2747.
THE CONSTRUCTION OF TURNPIKE ROADS.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, That whenever any company of individuals shall associate themselves together for constructing a turnpike road, and shall subscribe three fifths of the estimated cost of the said road, the State of South Carolina will subscribe and contribute the remaining two fifths, and become a stockholder in that proportion in the said company, when the following requisites shall have been complied with, that is to say :—

1. The company desiring the aid of the State, shall cause to be made and furnished to the Legislature, proper plans and estimates of the cost and advantages of the road they propose to make; and shall satisfy the Legislature of the expediency of constructing the same, and that it can be constructed at the amount of the estimate. Subscriptions on the part of the State.
Plans, &c. to be furnished.

2. The said company shall also shew, to the satisfaction of the Legislature, that three fifths of the estimated cost of the road has been subscribed by responsible individuals; and that it is their intention to proceed, as soon as possible, to the execution of the contemplated work. Exhibit of individual subscriptions.

II. Whenever the said preliminaries shall have been complied with, the faith of the State is hereby pledged to grant unto any such company a charter of incorporation, and to subscribe to the stock thereof two fifths of its capital, reserving to the State corresponding shares of the profits, and a corresponding power in the management and direction of the company. Incorporation and State subscription.

III. No instalment shall be paid by the State upon the stock of any such company, until a corresponding call shall be made upon the private stockholders, in common with the State; and the Comptroller-General shall, upon every call for instalments, after the first, ascertain that the preceding instalments have been paid in by the private stockholders, before such subsequent instalment shall be paid by the State. Instalments.

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*Acts relating to Roads, Bridges and Ferries.*Report to
Comptroller
General.

IV. The President and Directors of every company in which the State shall become a stockholder, shall, on the first day of October in every year, make a special report of its condition and finances to the Comptroller-General; and if any such company shall neglect to make a return as aforesaid, the Comptroller-General shall, if possible, procure information of its condition, and report the same, or the fact of his not being [able] to get information, to the Legislature.

Forfeiture of
State stock.

V. The stock which the State may hold in any such company, shall never become forfeited without the consent of the Legislature.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*D. L. WARDLAW, *Speaker of the House of Representatives.*

No. 2751. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

New road in
Abbeville.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a new road shall be laid out, opened and kept in repair, in Abbeville district, commencing at Cannon's store, on the Abbeville and Edgefield road, near Cedar Spring Church, to cross Long Cane Creek at G. J. Cannon's bridge, or the best place near the same; thence, by Samuel Foster's; thence, by the summer-houses belonging to James Taggart and others; thence, by Barns's mills; and thence to intersect the Warrington road, between Captain William G. Thompson's and William F. Baker's. And that Richard Hill, C. Barns, John Ramsay, George J. Cannon, and Dr. John F. Livingston, be, and are hereby appointed, commissioners to lay out and open the same.

Alteration of
road in Abbeville.

II. *And be it further enacted* by the authority aforesaid, That the road in Abbeville district, leading from Bowman's ferry to Anderson court house, and passing near the Abbeville Mineral Springs, be changed so as to pass by the said mineral springs, leaving the old road at John Carlile's old field, and to intersect the said road again at John Robinson's; and that James Huey, Matthew Young, Andrew Shillito, William Brooks, and Robert Keown, be, and are hereby appointed, commissioners to lay out the same.

New road in
Abbeville.

III. *And be it further enacted* by the authority aforesaid, That a new road shall be laid out, opened and kept in repair, in Abbeville district, leading from the Bowman's ferry road, at or near John Cranshaw's, by the most direct route, to the Abbeville Mineral Springs; and that James Simpson, John Oliver, David Robinson, J. N. Young, and John G. McAlister, be, and are hereby appointed, commissioners to lay out the same.

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IV. *And be it further enacted* by the authority aforesaid, That a new road shall be laid out, opened and kept in repair, in Abbeville district, commencing at the boundary line of Abbeville district, where the Sherrod's store cross-roads, in Anderson district, ends, and continued from the said Abbeville boundary line, by John Davis's, by the Prickly Pear Shoals, on Rocky river, and to intersect the Bridge road at Thomas McAdams's; and that Thomas Milford, Thomas J. Hill, Matthew Hutson, James Davis, and Edward Prince, be, and are hereby appointed, commissioners to lay out the same.

New road in
Abbeville.

V. *And be it further enacted* by the authority aforesaid, That the Island Ford Ferry, over the Saluda river, be, and the same is hereby, re-established, for the term of seven years, and vested in William E. Caldwell and James C. Caldwell, their heirs and assigns; and the same rates of ferriage as heretofore, shall be allowed at the said ferry.

Island Ford
ferry.

VI. *And be it further enacted* by the authority aforesaid, That the ferry over Savannah river, at Fort Moore Bluff, be, and the same is hereby, re-established, for the term of seven years, and vested in Abner Whatley, his heirs and assigns; with the same rates of ferriage as heretofore.

Fort Moore
Bluff ferry.

VII. *And be it further enacted* by the authority aforesaid, That a toll bridge be, and the same is hereby, established over Enoree river, near Musgrove's mills, connecting the districts of Laurens and Union, for the term of seven years, and vested in William Musgrove, his heirs and assigns, and the following rates of toll be allowed, viz.—for all four wheeled wagons and carriages, drawn by two or four horses, fifty cents; all two wheeled carriages, drawn by one or two horses, twenty-five cents; for man and horse, twelve and a half cents; led or drove horses and mules, three cents, each; foot passengers, not attached to carriages, six and a quarter cents, each; cows, or horned cattle, hogs, sheep and goats, each one cent; and that the proprietor of the aforesaid toll bridge shall have a road through the corner of the lands of James Gordon, not exceeding one fourth of an acre, upon paying the proprietor of said land for the same.

Toll bridge
over Enoree
river.

VIII. *And be it further enacted* by the authority aforesaid, That Bonneau's ferry, over Cooper river, be, and the same is hereby, re-established, for the term of seven years, and vested in Dr. Thomas G. Prioleau, his heirs and assigns; and the same rates of ferriage as heretofore shall be allowed at said ferry.

Bonneau's
ferry.

IX. *And be it further enacted* by the authority aforesaid, That May's ferry, over the Edisto river, be, and the same is hereby, re-established, for the term of seven years, and vested in John May, his heirs and assigns; and the same rates of ferriage as heretofore shall be allowed at said ferry.

May's ferry.

X. *And be it further enacted* by the authority aforesaid, That M'Clanahan's ferry, over the Catawba river, be, and the same is hereby, re-established, for the term of seven years, and vested in Elijah F. Crockett, executor of Thomas F. Dunlap, in trust for the heirs of said Thomas F. Dunlap, their heirs and assigns; and the same rates of ferriage as heretofore shall be allowed at said ferry: *Provided*, that Thomas K. Cureton, his heirs and assigns, and those in his employment, so long as he continues to own the plantation of the late Walter Izard, in York district, near the said ferry, or any other person or persons owning said plantation, and those in their employment, shall be permitted to pass and re-pass the said ferry free of all ferriage.

M'Clanahan's
ferry.

XI. *And be it further enacted* by the authority aforesaid, That there

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Comm'rs. appointed for Spartanburgh district.

shall be seven additional members allowed for the board of commissioners of roads for Spartanburgh district; and that James A. Miller, Col. Thomas Waters, M. L. Thompson, John Zimmerman, Spencer Eaves, Doctor Thomas Littlejohn and J. R. Richards, be, and they are hereby appointed, said commissioners.

Waters's ferry.

XII. *And be it further enacted* by the authority aforesaid, That the ferry over Big Saluda, on the Charleston road, leading from the Saluda Gap to Charleston, formerly known as Waters's ferry, be, and the same is hereby, re-established, for the term of seven years, and vested in John Holly, his heirs and assigns; and the same rates of ferriage as heretofore, shall be allowed at the said ferry.

Road discontinued, and another established in Spartanburgh district.

XIII. *And be it further enacted* by the authority aforesaid, That the old road in Spartanburgh district, leading from Spartanburgh court house to Anderson's mill, from the three mile post to where it intersects the Nichols road, be, and the same is hereby, discontinued; and that a new road be laid out, opened and kept in repair, commencing at or near the three mile post from Spartanburgh court house, running to the North of the old road, and intersecting the Nichols old road at or near J. Haddin's.

Part of an Act repealed.

XIV. *And be it further enacted* by the authority aforesaid, That the twenty-first section of an Act entitled "An Act to establish certain roads, bridges and ferries," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, be, and the same is hereby, repealed.

St. John's, Edisto, and Wadmalaw Islands.

XV. *And be it further enacted* by the authority aforesaid, That the board of commissioners of roads for the parish of St. John's Colleton, be, and are hereby, authorized and empowered to assess the inhabitants of Edisto Island alone, for the repairs and construction of roads and bridges on said Island; and that the aforesaid board of commissioners be, and are hereby, authorized and empowered to assess the inhabitants of John's and Wadmalaw Islands alone, for the repairs and construction of roads and bridges on either side of the said Islands; and that the inhabitants of Edisto Island be, and are hereby, exempt from any assessment for the repairs and construction of roads and bridges on John's and Wadmalaw Islands; and that the inhabitants of John's and Wadmalaw Islands be, and are hereby, exempt from any assessment for the repairs and construction of roads and bridges on Edisto Island.

Vance's ferry.

XVI. *And be it further enacted* by the authority aforesaid, That Vance's ferry, over Santee swamp, be vested in John N. Davis, his heirs and assigns, for the term of seven years, with the rates of toll heretofore allowed: *Provided*, the rates may at any time be revised and altered by the Legislature, in case that the nett annual income exceeds eight hundred and fifty dollars, so as to reduce the nett profits to that amount.

Smith's bridge.

XVII. *And be it further enacted* by the authority aforesaid, That the bridge over Saluda river, called Smith's bridge, be re-chartered, for the term of one year, and vested in John Smith and James Graham, their heirs and assigns, at the same rates of toll as heretofore allowed by law.

Ashford's ferry.

XVIII. *Be it further enacted*, That the ferry known as Ashford's ferry, across Broad river, be, and is, established as a ferry, for the term of one year, with the usual rates of toll, and vested in Mrs. Mary Ashford, her heirs and assigns.

Chesnut's ferry.

XIX. *And be it further enacted* by the authority aforesaid, That the ferry over the Wateree river, known as Chesnut's ferry, be, and the same is hereby, re-established, for the term of seven years, and vested in Col.

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John Chesnut, his heirs and assigns, with the same rates of toll heretofore established for the same.

XX. *And be it further enacted*, That the said John Chesnut be, and he is hereby, authorized and empowered to erect a bridge over the said river at the said ferry, to be vested in him, his heirs and assigns, for the term of fourteen years, with the same rates of toll as established for the Camden bridge: *Provided*, that the said bridge is completed within three years; and *provided also*, that the said John Chesnut do not obstruct the navigation of the said river by the erection of the said bridge. After the completion of the said bridge, the said ferry shall be discontinued.

Authority to
erect a bridge.

XXI. *And be it further enacted* by the authority aforesaid, That the road in St. Peter's parish, leading from the Augusta road to Hudson's ferry, on the Savannah river, be, and the same is hereby, discontinued as a public road.

Road in St.
Peter's parish.

XXII. *And be it further enacted* by the authority aforesaid, That the ferries heretofore known as Matheson's ferry and Barksdale's ferry, the former over Little river, and the latter over Savannah river, are hereby re-established, for the term of one year, and vested in Mary Simmons and Francis Matheson, their heirs and assigns, with the same rates of toll heretofore established for the same.

Matheson's and
Barksdale's
ferries.

XXIII. *And be it further enacted* by the authority aforesaid, That the ferry heretofore known as Calk's ferry, on the Saluda river, be, and the same is hereby, re-established, for the term of seven years, and vested in George Lewey, his heirs and assigns, with the same rates of toll as heretofore established by law.

Calk's ferry.

XXIV. *And be it further enacted* by the authority aforesaid, That the bridge erected over the Saluda river, at Chappel's ferry, be, and the same is hereby, vested in John Chappell, his heirs and assigns, for the unexpired term of the charter of the said ferry, and also for the further term of fourteen years from the expiration of said charter, with the same rates of toll as heretofore established by law for said ferry.

Bridge over
Saluda at
Chappell's
ferry.

XXV. *And be it further enacted* by the authority aforesaid, That the bridge lately erected over Saluda river, at Wilson's mills, in Abbeville district, be, and the same is hereby, vested in John Wilson and Company, their heirs and assigns, for the term of seven years, with the same rates of toll as is established by law for Smith's bridge, over said river.

Bridge over
Saluda, at
Wilson's mills.

XXVI. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads in the Lower Battalion in Richland district, be, and they are hereby, required to enquire into the expediency of making a road from Garner's ferry to Congaree river, at or near the point at which the projected rail road from Columbia to Branchville will cross the said river; and should the aforesaid commissioners be of opinion that such a road would be practicable and expedient, they are hereby required to report to the next Legislature the course which said road ought to take, and to give the legal notice to all persons interested in the lands through which the said road would pass, that they might shew cause, if any they have, why said road should not be constructed.

Road in Rich-
land.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

APPENDIX.

In publishing the Militia Laws in the Eighth Volume, the Editor, in conformity, as he supposed, with the wishes of the Legislature, omitted all the Acts preceding that of 1794, which re-organized the Militia under the regulations of Congress, and repealed all prior Laws. By direction of the Legislature, those that were omitted are now added as an Appendix to this Volume.

AN ACT FOR THE BETTER SETTLING AND REGULATING THE MILITIA, No. 206. AND APPOINTING LOOK OUTS.

WHEREAS, the defence and safety of any people, under God, consists in their knowledge of military discipline ; wherefore, that the same be duly observed and performed in this Province,

I. *Be it enacted*, by his Excellency John Granville, Esquire, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown, for the South-west part of this Province, and it is enacted by the authority of the same, 'That every Colonel, Lieutenant Colonel, Major and Captain in the militia of this part of this Province, shall, in two months after the ratification of this Act, by him or themselves, or inferior officers of his or their company, summons all and every the inhabitants within the limits of his or their respective company, from the age of sixteen years to sixty, to appear, completely armed, as hereafter is provided, at the usual place of rendezvous or exercise, or at such other most convenient place within the county, as the officers shall think fit and appoint, then and there to be mustered and exercised by the said officer or officers, as aforesaid.

Inhabitants to be summoned for drill, &c.

II. *And be it further enacted* by the authority aforesaid, That in case any person, being duly enlisted and summoned to appear as aforesaid, and

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Penalty for neglect.

that shall refuse or neglect to come armed as hereafter is provided, at time and place as above directed by the officer or officers in that division in which he actually resides, every such person or persons shall forfeit and pay, for the first day's neglect, ten shillings, and for the next immediate default following, twenty shillings, and so twenty shillings for every default until he shall make his appearance.

In case of removal.

III. *And be it further enacted* by the authority aforesaid, That every person enlisted in any company as aforesaid, which doth or shall remove to, dwell or reside in the division of any other officer, shall continue to appear at muster of his said officer where he was first enlisted, or be punished for default, as is before provided, until such time as he shall have obtained a certificate from that officer into whose division he is removed, that he is resident in his division, and hath enlisted himself under his command; and every officer into whose division any person is removed as aforesaid, is hereby obliged to give such certificate.

When to be free from arrest.

IV. And that no person may, for any reason whatsoever, be discouraged from appearing with his arms, at such time and place as by his superior shall be appointed, *It is enacted* by the authority aforesaid, That no civil officer whatsoever, shall execute any writs or warrants for [any] debts whatsoever, upon the body of any person on his journey to, or return from, the place of rendezvous appointed on the occasion aforesaid, or within twenty four hours after any person shall be discharged from any muster or alarm, under the penalty of five pounds, to be recovered by the party arrested, of and from the officer which shall arrest or serve any writ or warrant as aforesaid; and the writs or warrants so executed, shall be void and null.

How to be armed, &c.

V. *And be it further enacted* by the authority aforesaid, That all and every person enlisted as aforesaid, do, upon summons given them by their respective officer, or any appointed by them, appear at such time and times, and at such place or places, as shall by such summons be appointed; each person or soldier, with a good sufficient gun, well fixed, a good cover for their lock, one good cartridge box, with at least twenty cartridges of good powder and ball, and one good belt or girdle, one ball of wax sticking at the end of the cartridge box, to defend the arms in rain, one worm, one wiewer and four good spare flints, also a sword, bayonet or hatchet; of all which particulars each and every person are hereby obliged to be furnished with, under the penalty of five shillings forfeiture for every time he or they shall neglect to appear so armed and accoutred as aforesaid; and whereof each respective officer for that day's exercise shall be judge; and every person or soldier is hereby required to yield and pay due and perfect obedience unto their respective officers, according to the discipline of war; and every person refusing to obey his officer, when actually under arms, or neglecting his duty as a soldier, shall be tyed, neck and heels, at the head of the company he belongs to, not exceeding one hour for every fault, or in stead thereof, pay forty shillings.

Masters to arm their enlisted servants.

VI. *And be it further enacted* by the authority aforesaid, That every master, mistress or other person that at any time hath the command of any servant, shall, at his or their cost and charges, provide and furnish each man with all and every particular of the arms, ammunition and accoutrements aforesaid; and the said man servant so provided, shall be sent to the place of rendezvous, at such time and times as shall be appointed as aforesaid, under the pains and penalties of ten shillings for each day any master, mistress or other person shall refuse or neglect to send his or their servant man armed and accoutred as aforesaid; the said penalty to

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be levied and disposed of as in this Act is hereafter appointed. *Provided, nevertheless,* that if it be the servant's fault, he being armed and accounted as aforesaid, and duly sent to the place of rendezvous by his said master, mistress or other person as aforesaid, and shall refuse or neglect to appear accordingly, then and in such case, the servant shall, for every and each such default, of which the master, mistress or other person shall make due proof before any one of the commission officers of that company where the said servant is or shall be enlisted, be tied, neck and heels, or ride the wooden horse, at the head of the said company, for a time not exceeding the space of one hour; the said punishment to be inflicted by order of the chief commission officer then present; and in case of a second default of the same nature, the next following muster, by any servant as aforesaid, the person so defaulting shall run the gauntlet through the said company; the said punishment to be inflicted by order of the commission officer as aforesaid.

VII. *And be it further enacted* by the authority aforesaid, That all persons shall, within the time and space of twelve months after he or they shall be free and discharged from his or their master's or mistress's service, ^{They to arm themselves, when free.} provide him or themselves with good and sufficient arms, ammunition, accoutrements, as aforesaid; and in case the officer-in-chief of that company shall, at the next muster after the reading this Act, and at every muster thereafter, have cause to suspect that any free person doth appear with arms which are not really his own property, then and in such case, the officer-in-chief of each and every company is hereby required and empowered to examine any person, upon oath, concerning the same; and if it shall appear that the arms which the said freeman hath brought into the field as aforesaid, doth not belong unto himself, then and in such case, the said freeman so offending shall be fined as in case of non-appearance; and if any person or persons, within twelve months after his or their freedom, doth or shall not provide him or themselves with sufficient arms, ammunition and accoutrements, as above directed, then and in such case, the officer-in-chief of the company to which the said person belongeth, with any justice of the peace whom the said officer shall inform of the matter, are hereby impowered and required, forthwith, (if the nature of the cause require,) to put out the said person or persons that doth not get arms for him or themselves in twelve months as aforesaid, as a servant, not exceeding six months, unto some fitting person, (himself not finding one to work with,) for so long time as they shall think he may or shall earn one sufficient gun, ammunition and accoutrements, as above directed, or the value thereof, to be delivered by such master or mistress unto the officer-in-chief of the company, who is hereby required to lay out the same for such gun, ammunition and accoutrements, which the said officer is to deliver to the person so serving.

VIII. *And be it further enacted* by the authority aforesaid, That every Colonel, Lieutenant-Colonel, Major and Captain in the militia in this part ^{Musters, when to be held.} of this Province, do, by himself or his inferior officers, exercise his company in the use of their arms and other discipline of war, as to the said commanders shall seem meet, or as shall be ordered and appointed them respectively, by the commander-in-chief for the time being, or other their superior officers, once every two months after the ratification of this Act, and so to continue, from two months to two months, and not oftener, except on particular and special occasions.

IX. *And whereas,* it will contribute to the better disciplining of the

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musters.

inhabitants of this part of this Province, to have the militia (sometimes) exercised regimentally; *Be it further enacted* by the authority aforesaid, That every regiment in this Province shall meet once every year, at such time and place as the General or Commander-in-chief shall think fit, in their respective counties; and in case any officer, sergeant, corporal, drummer, private, centinel, or any other person capable of bearing arms, and enlisted in any company, shall not, after due notice and summons given unto him or them, appear at a general muster, with such arms, ammunition and accoutrements as aforesaid, shall forfeit and pay the sum of twenty shillings for every general muster he or they shall neglect or refuse to come to as aforesaid. *Always provided*, that any person making default of appearance in any regiment or company as aforesaid, and that shall, within ten days, by sufficient testimony upon oath, or any other reasonable way, make it appear to his respective commander, who is hereby empowered to give the said oath, that he was disabled from such appearance by sickness, maim, or other accident, shall be excused from paying the respective fines for their non-appearance as aforesaid.

Who exempt.

X. *And be it further enacted* by the authority aforesaid, That every commander-in-chief of each respective company, shall cause to be levied such fines and forfeitures which shall accrue or become due by this Act, in such manner and to such uses as is hereafter ordered and appointed. *Provided always*, and it is the true intent and meaning of this Act, that all members of the Council, all members of Assembly and Clerks of the same, and all Judges and their Clerks, Sheriffs, Justices of the Peace, and Ministers of the Gospel and their Clerks, School-masters, Surveyor General, Secretary and his deputy, the Coroner, the Registers, the Marshal, Attorney allowed to practice in any courts, the Pilots, and one person assistant to each Pilot, and also all strangers, merchants and others, who have not lived in this part of the Province the time and space of two months, shall not be bound to appear in the militia as in this Act is provided, except in cases of an alarm, in which cases no person abovementioned shall be excused or excepted, but shall be liable to all such fines and forfeitures as any person enlisted in the militia are or ought to be, by virtue of this Act; any thing in this Act to the contrary notwithstanding. And every person which shall appear as directed, in time of an actual invasion, and doth forsake his colours, or be disobedient to his superior officers, or otherwise neglect his duty during the actual invasion, shall suffer such punishment as by law martial can and ought to be inflicted on him.

Alarms.

XI. *And whereas*, it may be of evil consequence to establish any positive law concerning alarms, because of the various accidents which may happen, and which must require particular and sudden remedies. *Be it enacted* by the authority aforesaid, That the Commander-in-chief for the time being, shall forthwith, and from time to time and upon all occasions, issue such order or orders for ascertaining the cause and manner of raising, continuing and carrying on alarms; which said order or orders so issued out shall, forthwith, be sent to the superior officer of each respective company, to be published at the head thereof.

XII. *And be it further enacted* by the authority aforesaid, That any person or persons that shall not be obedient to such order or orders as shall be appointed by the commander-in-chief for the time being, for carrying on of alarms, or shall refuse, upon hearing the signal given, or any other signal of alarm, to repair to such place or places of rendezvous as is or

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shall be appointed by his or their respective officer or officers, completely armed, as by this Act is provided, shall forfeit ten pounds.

XIII. *And be it hereby enacted*, That no member of the council shall be enlisted in any regiment or company, but shall, nevertheless, in times of alarms and invasions, attend the General with horse and arms, if thereunto required.

XIV. *And be it further enacted* by the authority aforesaid, That all and every such fines and forfeitures that shall accrue or become due by virtue of this Act, shall be levied after such manner and to such uses as followeth, that is to say—all fines which shall become due from any person or persons, by reason of his or their refusing or neglecting to appear at the place of exercise of the respective company wherein he or they are enlisted, at such time and times as is appointed by this Act, or not completely armed as is hereinbefore provided, shall, upon due proof thereof, be levied by a warrant, under the hand and seal of the chief officer of every respective company, or by any field officer, and directed to the next constable or sergeant, who is hereby required and authorized to levy the same upon the goods and chattels of the person or persons defaulting. *Provided, always*, that the said warrant or warrants be executed within two months after the default shall be proved before the captain or other chief officer of the company where the default or defaults are and shall be made.

Fines, how to
be collected
and applied.

XV. *And be it further enacted* by the authority aforesaid, That all fines which shall become due, in case or time of an alarm, or for non-appearance at the general muster, shall be levied by a warrant, under the hand and seal of the Commander-in-chief for the time being, in such manner and form as the fines last before by this Act are appointed to be levied. *Provided, always*, that all goods taken by virtue of this Act, by any warrant, shall be appraised by two freeholders of the neighbourhood where the person defaulting lives, upon their oaths, which oath, every officer which granteth a warrant by virtue of this Act, or any justice of the peace, shall have power to give and administer; and the overplus, if any be, shall be returned to the owner or owners of said goods; and every freeholder or freeholders which shall refuse or neglect, when thereunto required, to appraise such goods taken by distress as aforesaid, shall forfeit and pay the sum of five pounds; to be levied in such manner, and to such uses, as the fines and defaults, at general musters, are by this Act appointed.

XVI. *And be it further enacted* by the authority aforesaid, That all fines to be levied in case of alarms, shall be paid into the hands of the treasurer appointed by the General Assembly, to be disposed of by their order; and all other fines and forfeitures which shall be levied by virtue of this Act, shall be and remain to the proper use and behoof of sergeants or constables which shall make distress for the same; and in case the sergeant or constable cannot find any goods or chattels of the person or persons making default or defaults as aforesaid, then, and in such case, the sergeant or constable shall apprehend the body of such person or persons so convicted, and him or them carry or deliver to the marshall or gaoler of Charlestown, who is hereby required and empowered to keep him or them, the said offenders, in close and safe custody, until he or they have paid their fines or forfeitures, according as the warrant directs, and for which he or they were so imprisoned, with all necessary charges; and the gaoler or marshall unto whom he or they were committed, upon certificate from

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the captain of the company to which the said offender or offenders belongeth, that he or they have paid the said fine or forfeiture, shall dismiss the said offender or offenders out of prison, he having first received his fees from the said offender or offenders, which shall be five shillings, besides six pence per diem for each person's diet, and no more.

Penalty on sergeants and constables for neglect of duty.

XVII. *And be it further enacted* by the authority aforesaid, That in case any sergeant or constable shall refuse or neglect to execute and levy the said several fine and fines, according to the tenor of such warrant and warrants which shall be directed to him or them, for the space and time of twenty-one days after his or their reception of any warrant or warrants, shall forfeit and pay the several fines contained in the said warrant or warrants, and to be levied on his or their goods and chattels by the Provost Marshall for the time being, by virtue of a warrant under the hand and seal of the Commander-in-chief for the time being, or the chief officer of the respective company; and for want of goods and chattels, the said Provost Marshall is hereby empowered and required to take into his custody the body or bodies of the said sergeant or constable, by a warrant under the hand and seal of the Commander-in-chief or the chief officer of the respective company, and him or them safely to keep until he or they shall have paid the said sum or sums; which said sum or sums shall be to the proper use and behoof of the Provost Marshall, together with five shillings for his fees, and six pence a day for the diet of each sergeant or constable, as long as he shall be in his custody.

Power of imprisonment.

XVIII. *And be it further enacted* by the authority aforesaid, That in case of any general alarm or eminent danger, the Commander-in-chief for the time being is hereby fully empowered, by warrant, under his hand and seal, directed to some one or more officers of the militia, to take and press any ship or ships, vessel or vessels, boats, perriaugers or canoes, together with all the furniture to them belonging; and also, ammunition and provision, and all seamen, and all men, inhabitants of this Province, in such number, manner and method, as the exigency of the affair requireth; and every field officer and captain of every respective company, have power to take and press any boats, perriaugers or canoes, together with all the furniture to them belonging, for the better carrying on any expedition against the enemy in case of alarms and invasions.

Strong drink prohibited.

XIX. *And be it further enacted* by the authority aforesaid, That in case of an alarm or general muster, no tavern or punch house keeper, or any other person whatsoever, shall sell to or otherwise suffer any person to have any strong drink, from and after the beat of the tattoo, before and until the beat of the travalia, or whilst otherwise the said person ought to be upon the main guard or other duty, upon the penalty of twenty shillings for every such default; to be levied as in this Act is provided for fines at a general muster, and to be used as in that case is appointed.

Exercises to be uniform.

XX. *And be it further enacted* by the authority aforesaid, That for the prevention of the inconvenience that may happen by the making use of divers ways and methods of exercising the men in the use of their arms, all Colonels, Lieutenant Colonels, Majors, Captains, and other officers in the militia of this part of this Province, are hereby required to observe and follow such ways, rules and methods for exercising their regiments or respective companies, as they, or either of them, shall receive from the commander-in-chief for the time being.

XXI. *And be it further enacted* by the authority aforesaid, That this

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Act shall be read at the head of each respective company, the next meeting after the ratification of the same.

XXII. *And be it further enacted* by the authority aforesaid, That when the Commander-in-chief shall think fit to raise one or more troops of horse, Troops of for the more speedy defence of this part of this Province, and shall commission any officer for the command and exercise of the same, every person which shall enlist himself under the command of such officer, provided with such horse, arms and furniture, as the General shall approve of, shall be acquitted, discharged and excused of and from all musters, appearance at musters, and services whatsoever, under the command of any foot officer, and from all pains, penalties and forfeitures, which otherwise, for neglect thereof, he ought to have suffered and paid; any thing in this Act to the contrary notwithstanding. And all gentlemen troopers which shall be enlisted, shall be liable for non appearance at the usual place of exercise at general musters, at alarms and in time of invasion, for disobedience and neglect of duty, and for want of such furniture and accoutrements, as by the General they shall be ordered to provide and bear, to such fines, forfeitures and pains, as in such cases is provided according to the discipline of war, life and limb excepted. *Provided, always*, that any person that is a new comer, is poor and incapable of furnishing himself with arms, ammunition and accoutrements as aforesaid, according to the true intent and purpose of this Act, of which incapability the Commander-in-chief for the time being shall be judge, having obtained a certificate from the Commander-in-chief of such his incapability, shall not be obliged to furnish himself with arms as aforesaid, until twelve months after his arrival.

XXIII. *And whereas*, servants, after their freedom, and poor men, are or may be excused from providing for themselves arms and ammunition for the space of one year. *Be it enacted*, That every such servant become free, and poor persons, shall appear at alarms, or suffer such punishments and fines as other persons which do not appear, or after appearance desert, disobey or neglect to do their duty, by this Act are ordained to suffer; any thing herein to the contrary notwithstanding.

XXIV. *Whereas*, nothing can conduce more to enable people to repel an enemy, than timely notice of their approach, and nothing but good watches constantly kept and well placed, can give that notice, or prevent surprise. *Be it therefore enacted*, That the Commander-in-chief for the time being, or who he appoint, shall have power, and is hereby empowered, to hire any number of white men, not exceeding twenty, such as he shall think fit for that service, to keep watch on the sea coast, at such places and in such numbers as shall be most convenient, between the Savannah river and Santee river; all which men, on the discovery of three vessels at one time, at sea, or the approach of an enemy within land, shall follow such directions for giving the alarm to the inhabitants of this Province, as they shall from time to time receive from the Commander-in-chief, under the pain and penalty of five pounds, and such other corporal punishment, not extending to life or limb, as the General shall think fit to inflict, for each and every neglect; and the receiver shall, as often as he shall have a certificate from the Commander-in-chief, of the wages due to any or all of the persons hired to watch as aforesaid, pay the same.

XXV. *And be it further enacted*, That the Commander-in-chief is hereby empowered to buy, or cause to be bought, so many and such

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canoes as he shall think fit, for the use of the several watches placed as aforesaid, which canoes shall be paid for by an order from the Commander-in-chief to the public receiver.

XXVI. *And be it further enacted*, That the Commander-in-chief may place these watches on the sea coast, when and as often as he shall think necessary, and the same again displace.

Officers, how
to be armed.

XXVII. *And be it enacted*, That every regimental commission officer, (ensigns excepted,) at private musters, shall carry or be armed with a half pike, and in the time of alarms or invasion, shall carry a half pike, and have always, upon the right or left flank, when on duty or in service, a negro or Indian, or a white boy, not exceeding sixteen years of age, who shall, for his master's service, carry such arms and accoutrements as other persons enlisted are appointed to appear with.

Right of
appeal.

XXVIII. *Provided nevertheless, and it is hereby enacted*, That every person which, for any of the faults, neglects or crimes aforesaid, shall be ordered by any inferior commission officer, to suffer any corporal pain or punishment, which shall have reason to believe the same is not proportioned to the quality of the fault, neglect or crime for which he is so ordered to be punished, may appeal from the sentence of such officer to the sentence and judgment of the General, Lieutenant-General, Major General or Colonel of the regiment, or to such of them living nearest to him; and the General, Lieutenant-General, Major-General and Colonel, are hereby empowered to order such punishment in that case as he shall think fit, or to remit the same; any thing in this Act to the contrary contained notwithstanding.

XXIX. *And be it further enacted*, That this Act, and every thing therein contained, do continue in force for and during the term of two years, and from thence to the end of the next session of the General Assembly next following.

*Read three times, and ratified in open Assembly,
the eighth day of May, 1703.*

N. JOHNSON,
THOS. BROUGHTON,
JAMES MOORE,
ROBERT DANIELL,
ED. BELLINGER,
ROBERT GIBBES,
HENRY NOBLE.

Acts relating to the Militia.

A. D. 1709.

AN ACT FOR THE BETTER SETTLING AND REGULATING THE MILITIA. No. 270.

WHEREAS, the defence and safety of any people, under God, consists in their knowledge of military discipline ; and that the same be duly observed and performed in this Province,

I. *Be it enacted*, by his Excellency John Lord Granville, Palatine, and the rest of the true and absolute Lord and Proprietors, and by the authority of the same, and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown for the south-west part of this Province, *and it is enacted* by the authority of the same, That every Colonel, Lieutenant Colonel, Major and Captain in the militia of this part of this Province, shall, in two months after the ratification of this Act, by him or themselves, or by the inferior officers of his or their company, summons all and every the inhabitants within the limits of his or their respective companies, from the age of sixteen years to sixty, to appear compleatly armed, as hereafter is provided, at the usual place of rendezvous or exercise, or at such other convenient place, within their respective divisions, as the officers shall think fit and appoint, then and there to be mustered and exercised by the said officer or officers as aforesaid.

Inhabitants to
be summoned
for drill, &c.

II. *And be it further enacted* by the authority aforesaid, That in case any person being enlisted and summoned to appear as aforesaid, and that shall refuse or neglect to come armed, as hereafter is provided, at time and place as is above directed by the officer or officers in that division in which he actually resides, every such person or persons shall forfeit and pay ten shillings for every default, until he shall make his appearance.

Penalty for
neglect.

III. *And be it further enacted* by the authority aforesaid, That every person enlisted in any company as aforesaid, which doth or shall remove to dwell or reside in the division of any other officer, shall continue to appear at muster of his said officer, where he was first enlisted, or be punished for default, as is before provided, until such time as he shall have obtained a certificate from the officer in whose division he is removed, that he is resident in his division, and hath enlisted himself under his command ; and every officer into whose division any person is removed as aforesaid, is hereby obliged to give such certificate.

In case of
removal.

IV. And that no person may for any reason whatsoever, be discouraged from appearing with his arms at such time and place as by his superior shall be appointed, *It is enacted* by the authority aforesaid, That no civil officer whatsoever shall execute any writs or warrants for debt whatsoever, upon the body of any person on his journey to or return from the place of rendezvous, appointed on the occasion aforesaid, or within twenty four hours after any person shall be discharged from any muster or alarm, under the penalty of five pounds, to be recovered by the party arrested of and from the officer which shall arrest or serve any writ or warrant as aforesaid ; and the writs or warrants executed, shall be void and null.

When to be
free from
arrest.

V. *And be it further enacted* by the authority aforesaid, That all and every person enlisted as aforesaid, do, upon summons given them by their respective officers, or any appointed by them, appear at such time and times, and at such place and places, as shall by such summons be appointed, each person or soldier with a good sufficient gun well fixed, a good cover for the lock, one good cartridge box, with at least twenty good cartridges of good powder and ball, and one good belt or girdle, one ball of wax sticking at the end of the cartridge box to defend the armes in

How to be
armed, &c.

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rain, one worm, one wire, and four good spare flints, also, a sword, bayonet or hatchet of all which particulars each and every person are hereby obliged to be furnished with, under the penalty of five shillings forfeiture for every time he or they shall neglect to appear so armed and accoutred as aforesaid, and whereof each respective officer for that day's exercise shall be judge; and every person or soldier is hereby required to yield and pay due and perfect obedience unto their respective officers, and every person refusing to obey his officer, when actually under arms, and for neglecting his duty, shall for every such offence forfeit ten shillings.

Masters to arm
their enlisted
servants.

VI. *And be it further enacted* by the authority aforesaid, That every master, mistress or other person that at any time hath the command of any servant, shall, at his or their costs and charges, provide and furnish each man with all and every particular of the arms, ammunition and accoutrements aforesaid; and the said man servant so provided, shall be sent to the place of rendezvous, at such time and times as shall be appointed as aforesaid, under the paines and penalties of ten shillings for each day any master, mistress or other person shall refuse or neglect to send his or their servant man armed and accoutred as aforesaid; the said penalty to be levied and disposed of as in this Act is hereafter appointed. *Provided, nevertheless,* that if it be the servant's fault, he being armed and accoutred as aforesaid, and duly sent to the place of rendezvous by his said master, mistress or other person as aforesaid, and shall refuse or neglect to appear accordingly, then and in such case, the servant shall, for every such default, of which the master, mistress or other person shall make due proof before any of the commission officers of that company where the said servant is or shall be enlisted, shall receive such moderate corporal punishment at the head of the said company, by order of the chief commission officer then present, as he shall judge fit.

They to arm
themselves,
when free.

VII. *And be it further enacted* by the authority aforesaid, That all persons, within the time and space of twelve months after he or they shall be free and discharged from his or their master's or mistress's service, shall provide him or themselves with good and sufficient arms, ammunition and accoutrements as aforesaid; and in case the officer-in-chief of that company shall, at the next muster after the reading this Act, and at every muster hereafter, have cause to suspect that any free person doth appear with arms that are not really his own property, then and in such case, the officer-in-chief of every company is hereby empowered and required to examine any person, upon oath, concerning the same; and if it shall appear that the arms which the said freeman hath brought into the field as aforesaid, do not belong unto himself, then and in such case, the said freeman so offending shall be fined as in cases of non-appearance; and if any person or person, within twelve months after his or their freedom, doth or shall not provide him or themselves with arms, ammunition and accoutrements, as above directed, then and in such case, the officer-in-chief of the company to which the said person belongeth, with any justice of the peace whom the said officer shall inform of the matter, are hereby empowered and required, forthwith, (if the nature of the case require,) to put out the said person or persons that doth not get arms for him or themselves in twelve months as aforesaid, as a servant, not exceeding six months, unto some fitting person, (himself not finding one to work with,) for so long a time as they shall think he may earn one sufficient gun, ammunition and accoutrements, as above directed, or the value thereof, to be delivered by such master or

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mistress unto the officer-in-chief of the company, who is hereby required to lay out the same for such gun, ammunition and accoutrements, which the said officer is to deliver to the person so serving.

VIII. *And be it further enacted* by the authority aforesaid, That every Colonel, Lieutenant Colonel, Major and Captain in the militia in this part of this Province, do, by himself or his inferior officer, exercise his company in the use of their arms and other discipline of war, as to the said commander shall seem meet, or as shall be ordered and appointed them respectively by the commander-in-chief for the time being, or other their superior officers, once every two months after the ratification of this Act, and not oftener, except on particular and special occasions. Musters, when to be held.

IX. *And whereas*, it will contribute to the better discipline of the inhabitants of this part of this Province, to have the militia (sometimes) exercised regimentally. *Be it further enacted* by the authority aforesaid, That every regiment in this Province shall meet once every year, at such time and place as the General or Commander-in-chief shall think fit, in their respective counties; and in case any officer, sergeant, corporal, drummer, private, centinel, or any other person capable of bearing arms, and enlisted in any company, shall not, after due notice and summons given unto him or them, appear at general muster, with such arms, ammunition and accoutrements as aforesaid, shall forfeit and pay the sum of twenty shillings for every general muster he or they shall neglect to come as aforesaid. *Always provided*, That any person making default of appearance in any regiment or company as aforesaid, and that shall, within ten days, with sufficient testimony upon oath, or any other reasonable way, make it appear to his respective commander, who is hereby empowered to give the said oath, that he was disabled from such appearance by sickness, maim, or other accident, shall be excused from paying the respective fines for their non-appearance aforesaid. Regimental musters.

X. *And be it further enacted* by the authority aforesaid, That every commander-in-chief of each respective company shall cause to be levied such fines and forfeitures which shall become due by this Act, in such manner and to such uses as is hereafter ordered and appointed. *Provided always*, and it is the true intent and meaning of this Act, that all members of the Council, all members of the Assembly, and clerks of the same, and all judges and their clerks, sheriffs, justices of the peace, and ministers of the gospel and their clerks, school-masters, surveyor-general, secretary, attorney general and their deputies, the coroner, the registers, the marshal, attornies allowed to practice in any courts, the pilots and one person assistant to each pilot, and also all strangers, merchants and others, who have not lived in this part of this Province the time and space of three months, shall not be bound to appear in the militia, as in this Act is provided, excepting in cases of an alarm, in which cases no person above mentioned shall be excused or excepted, but shall be liable to such fines and forfeitures as any person enlisted in the militia are or ought to be, by virtue of this Act; any thing in this Act to the contrary notwithstanding. And every person which shall appear in time of an actual invasion, and doth forsake his colours, or be disobedient to his superior officers, or otherwise neglect his duty, during the actual invasion, shall suffer such corporal punishment as the nature of his crime deserveth, (life and limb only excepted,) of the nature of which punishment every officer-in-chief of every company shall be judge. Who exempt.

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*Acts relating to the Militia.***Alarms.**

XI. And *whereas*, it may be of evil consequence to establish any law concerning alarms, because of the various accidents which may happen, and which must require particular and sudden remedies. *Be it enacted* by the authority aforesaid, That the Commander-in-chief for the time being, shall forthwith, and from time to time, and upon all occasions, issue such order or orders, for ascertaining the cause and manner of raising and continuing of alarms; which said order or orders so issued out, shall forthwith be sent to the superior officer of each respective company, to be publicly read at the head thereof.

XII. *And be it further enacted* by the authority aforesaid, That any person or persons that shall not be obedient to such order or orders as shall be appointed by the Commander-in-chief for the time being, for carrying on of alarms, or shall refuse, upon hearing the signal given, or any other notice of alarm, to repair to such place or places of rendezvous as is or shall be appointed by his or their respective officer or officers, completely armed, as is by this Act provided, shall forfeit ten pounds.

XIII. *And be it hereby enacted*, That no member of Council, nor any member of Assembly, shall be enlisted in any company or regiment, but shall nevertheless, in times of alarms and invasions, attend the General, with horse and arms, or their respective commander-in-chief of the regiment.

Fines, how to be collected and applied.

XIV. *And be it further enacted* by the authority aforesaid, That all and every such fines and forfeitures that shall accrue by virtue of this Act, shall be levied after such manner and to such uses as followeth, that is to say:—all fines which shall become due from any person or persons, by reason of his or their neglecting or refusing to appear at the place of exercise of the respective company wherein he or they are enlisted, at such time and times as is appointed by this Act, or not completely armed as is herein before provided, shall, upon due proof thereof, be levied by a warrant, under the hand and seal of the chief officer of every respective company, or by any field officer, and directed to the next constable or sergeant, who is hereby empowered and required to levy the same upon the goods and chattels of the person or persons defaulting. *Provided, always*, that the said warrant or warrants be executed within two months after the default be proved before the captain or other officer of the company where the default or defaults are or shall be made.

XV. *And be it further enacted* by the authority aforesaid, That all fines which shall become due in case or time of an alarm, or of non-appearance at the general muster, shall be levied by a warrant under the hand and seal of the Commander-in-chief for the time being, in such manner and form as the fines last before by this Act are appointed to be levied. *Provided always*, that all goods taken by virtue of this Act, by any warrant, shall be appraised by two freeholders of the neighborhood where the person defaulting lives, upon their oaths, which oath, every officer that granteth a warrant by virtue of this Act, or any justice of the peace, shall have power to give and administer; and the overplus, if any, shall be returned to the owner or owners of the said goods; and every freeholder or freeholders which shall neglect or refuse, when thereunto required, to appraise such goods taken by distress as aforesaid, shall forfeit and pay the sum of five pounds, to be levied in such manner, and to such uses, as the fines and defaults at general musters are by this Act appointed.

XVI. *And be it further enacted* by the authority aforesaid, That all fines to be levied in case of alarms, shall be paid into the hands of the

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treasurer appointed by the Assembly, to be disposed of by their order; and all fines and forfeitures which shall be levied by virtue of this Act, shall be and remain to the proper use and behoofs of the sergeants or constables which shall make distress for the same; and in case the sergeant or constable cannot find any goods or chattels of the person or persons making default or defaults as aforesaid, then and in such case, the sergeant or constable shall apprehend the body of such person or persons so convicted, and him or them carry and deliver to the marshal or goaler of Charlestown, who is hereby required and impowered to keep him or them, the said offenders, in close and safe custody, until he or they have paid their fine or fines or forfeitures, according as the warrant directs, and for which he or they were so imprisoned, with all necessary charges; and the goaler or marshal unto whom he or they were committed, upon certificate from the captain of the company to which the said offender or offenders belongeth, that he or they have paid the said fines or forfeitures, shall dismiss the said offender or offenders out of prison, he having first received his fees from the said offender or offenders, which shall be five shillings, besides six pence per diem for each person's diet, and no more.

XVII. *And be it further enacted* by the authority aforesaid, That in case any sergeant or constable shall refuse or neglect to execute and levy the said several fines, according to the tenor of such warrants which shall be directed to him or them, for the space of twenty-one days after his or their receipt of any warrant, shall forfeit and pay the several fines contained in the said warrants, and to be levied on his or their goods and chattels by the provost marshal for the time being, by virtue of a warrant under the hand and seal of the Commander-in-chief for the time being, or the chief commission officer of that respective company; and for want of goods and chattels, the said provost marshal is hereby empowered and required to take into his custody the body or bodies of the said constable or sergeant, by a warrant under the hand and seal of the Commander-in-chief, or chief officer of the respective company, and him or them safely to keep, until he or they have paid the sum or sums they were fined; which said sum or sums shall be to the proper use and behoof of the provost marshal, together with five shillings for his fees, and six pence per diem for the diet for each sergeant or constable, as long as he shall be in his custody.

Penalty on
constable or
sergeant failing
to collect fines.

XVIII. *And be it further enacted* by the authority aforesaid, That in case of any general alarm or eminent danger, the Commander-in-chief for the time being is hereby fully empowered, by warrant under his hand and seal, directed to some one or more officers of the militia, to take and press any ship or ships, vessel or vessels, boats, periaugers or canoes, together with all the furniture to them belonging, and also ammunition and provisions, and all seamen, and all men inhabitants of this Province, in such number, manner and method as the urgency of the affair requirerth; and that every field officer and captain of every respective company, have power to take and press any boats or periaugers, together with all the furniture to them belonging, for the better carrying on any expedition against the enemy, in case of alarms and invasions.

Power of im-
pressment.

XIX. *And be it further enacted* by the authority aforesaid, That in case of an alarm or general muster, no tavern, punch-house keeper, or any other persons whatsoever, shall sell, or otherwise suffer any person to have any strong drink from and after the beat of the tattoo before, and until the beat of the travalia, or whilst the said person ought to be upon main

Strong drink
prohibited.

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guard or other duty, upon the penalty of twenty shillings for every such default, to be levied as in this Act is provided for fines at the general muster, and to be used as in that case is appointed.

Exercises to be uniform.

XX. *And be it further enacted* by the authority aforesaid, That for the prevention of the inconveniency that may happen by the making use of divers ways and methods of exercising the men in the use of their arms, all Colonels, Lieutenant-Colonels, Majors, Captains and other officers in the militia of this part of this Province, are hereby required to observe and follow such ways and rules for exercising their regiments or respective companies, as they or either of them shall receive from the Commander-in-chief for the time being.

XXI. *And be it further enacted* by the authority aforesaid, That this Act shall be read at the head of each respective company, the next meeting after the ratification of the same.

Cavalry.

XXII. *And be it further enacted* by the authority aforesaid, That when the Commander-in-chief shall think fit to raise one or more troops of horse, for the more speedy defence of this part of this Province, and shall commission any officer for the command and exercise of the same, and every person which shall enlist himself under the command of such officer, provided with horse and arms and furniture, as the General shall approve of, shall be acquitted, discharged and excused of and from all musters, appearance at musters, and service whatsoever, under the command of any foot officer, and from the pains and forfeitures which otherwise for neglect thereof he ought to have suffered and paid; anything in this Act to the contrary notwithstanding: And all gentlemen troopers which shall be enlisted, shall be liable for non-appearance at the usual place of exercise at general musters, at alarms, and in time of invasion, upon disobedience and neglect of duty, (and for want of such furniture and accoutrements as by the general they shall be ordered to provide,) to such fines, forfeitures and pains, as in such like cases is provided for foot soldiers. *Provided always*, that if any person that is a new comer, is poor, and incapable of furnishing himself with arms and accoutrements, according to the true intent of this Act, of which incapacity the Commander-in-chief for the time being shall be judge, having obtained a certificate from the Commander-in-chief of such his incapacity, shall not be obliged to furnish himself with arms as aforesaid, until twelve months after his arrival.

XXIII. *And whereas*, servants, after their freedom, and poor men, are or may be excused from providing for themselves arms and ammunition for the space of one year. *Be it enacted*, That every such servant becoming free, and poor persons, shall appear at alarms, or suffer such punishment and fines as other persons which do not appear, or after appearance, desert or disobey or neglect to do their duty, by this Act are ordained to suffer; anything herein contained to the contrary notwithstanding.

Officers, how to be armed.

XXIV. *And be it further enacted* by the authority aforesaid, That every regimental commission officer, (ensigns excepted,) at all private musters, shall carry or be armed with a half pike, and in time of alarms and invasions, shall carry a half pike, and have always, at the right or left flank, when on duty or in service, a negro or Indian, or white boy, not exceeding sixteen years of age, who shall for his master's service carry such horse and accoutrements as other persons enlisted are appointed to appear with.

XXV. *Provided nevertheless, and it is hereby enacted*, That every person which, for any of the faults, neglects or crimes aforesaid, shall be

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ordered by any inferior commission officer to suffer any corporal pain or punishment, which shall have reason to believe the same is not proportioned to the quality of the fault, neglect or crime for which he is so ordered to be punished, may appeal from the sentence of such officer to the sentence and judgment of the General, Lieutenant-General, Major General or Colonel of the regiment, or to such of them living nearest to him; and the General, Lieutenant-General, Major General or Colonel, are hereby empowered to order such punishment in the case as he shall think fit, or to remit the same; anything in this Act to the contrary notwithstanding.

Right of appeal.

XXVI. *And be it further enacted*, That this Act, and every thing herein contained, do continue in force the term of two years, and from thence to the end of the next session of the General Assembly, and no longer.

*Read three times, and ratified in open Assembly,
the nineteenth day of July, 1707.*

N. JOHNSON,
ROBERT GIBBES,
HENRY NOBLE,
JAMES RISBEE,
CHAS. BURNHAM.

Revived and continued, December the 12th, 1712.

AN ACT FOR THE BETTER SETTLING AND REGULATING THE MILITIA. No. 440.

WHEREAS, the safety and defence of any people, under God, consists in their knowledge of military discipline; therefore, that the same be duly observed and performed in this Province in South Carolina, we humbly pray his most sacred Majesty that it may be enacted, and

I. *Be it enacted*, by his Excellency Francis Nicholson, Esq., Governor, by and with the advice and consent of the Council and Assembly in South Carolina, and by the authority of the same, That every Colonel, Lieutenant Colonel, Major and Captain in the militia of the said Province, shall, by him or themselves, or by the inferior officers of his or their respective companies, summons all and every the inhabitants within the limits of his or their respective companies, from the age of sixteen years to the age of sixty years, to appear completely armed, as hereafter is provided and directed, at the usual place of exercise, or at such other convenient place within their respective divisions, as the officers shall think fit and appoint, then and there to be mustered and exercised by their officer or officers as aforesaid.

Inhabitants to meet for drill, &c.

II. *And be it further enacted*, That in case any person enlisted and duly informed, shall refuse or neglect to come armed, as is hereafter provided and directed, at such time and place as shall be appointed as aforesaid, by

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Acts relating to the Militia.

Penalty for neglect.

the officer in that division in which he actually resides, that then every such person shall forfeit the sum of thirty shillings for the first default, and three pounds for each default afterward, until he makes his appearance, and after the said appearance, in case he makes default, shall incur the same fines and forfeitures as aforesaid, that is to say, thirty shillings and three pounds current money of this Province for every default or non appearance; to be recovered and disposed of as is hereafter directed.

Freedom from arrest.

III. And that no person may for any reason whatsoever be discouraged from appearing with his arms at such time and place as by his superior officer is appointed, *Be it enacted* by the authority aforesaid, That no civil officer whatsoever shall execute any writ or writs, warrant or warrants, for any debts, dues or demands whatsoever, upon any person on his journey to, return from, or at the place of rendezvous appointed on the occasion aforesaid, or within twenty-four hours after any person shall be discharged from any muster or alarm, under the penalty of five pounds; to be recovered by the party arrested, of and from the officer who shall serve any such writ, or writs, warrant or warrants, as aforesaid. And the service and execution of any such writ or writs, warrant or warrants, shall be, and are hereby declared to be, null and void, to all intents and purposes whatsoever.

How to be armed.

IV. *And be it further enacted*, That every person enlisted as aforesaid, do, upon notice given them by their respective officers, or any person by them appointed, appear at such time and place as shall by such notice be appointed, each person or soldier with a good and sufficient gun, well fixed, a good cover for his lock, one good cartridge box, with at least twelve good cartridges in the same, of good powder and ball, a powder horn and shot pouch, with at least a quarter of a pound of powder, and bullets proportionable, and one good belt or girdle, one ball of wax sticking to the end of his cartridge box, to defend the arms in rain, one worm, one wire and four good spare flints, also, a sword, bayonet or hatchet; of all which particulars each and every person are hereby obliged to be furnished with, under the penalty of five shillings forfeiture for every time he or they shall neglect to appear so armed and accoutred as aforesaid; and whereof each respective officer for that day's exercise shall be judge; and every person or soldier is hereby required to yield and pay due and perfect obedience unto their respective officers, according to the discipline of war; and every person refusing to obey his officer, when actually under arms, or neglecting his duty as a soldier, shall be tyed, neck and heels, at the head of the company he belongs to, not exceeding one hour for every fault, or instead thereof, pay forty shillings.

Masters to arm their servants.

V. *And be it further enacted*, That every master, mistress or other person that at any time hath the command of any servant, shall, at his or their own proper cost and charges, furnish and provide all and every man servant that they have under their command, with all and every particular of the arms, ammunitions and accoutrements hereinbefore mentioned; and all and every man servant or men servants, so provided, furnished and accoutred, shall be sent by his or their master, mistress or other person, under whose command he or they may be, to the place of rendezvous, under the penalty for non-appearance as aforesaid, for each day any master, mistress or other person, shall refuse or neglect to send his or their servant or servants, armed and accoutred as aforesaid; which said penalty shall be levied and disposed of as in this Act is hereafter appointed. *Provided, nevertheless*, that if any such servant or servants as aforesaid, shall be duly

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accountred, furnished and sent to the place of rendezvous, by his or their master, mistress or other person under whose command he or they shall be, and such servant or servants shall, of their own accord, contrary to the will of his or their master, mistress or other person under whose command he or they shall be, neglect or refuse to appear at their respective place of rendezvous as aforesaid, then and in such case, such servant or servants shall, for every default, to be duly proved by his master, mistress or other person under whose command he or they shall be, before any one of the commission officers of the company to which the said servant or servants shall belong, receive such corporal punishment at the head of the company, as the chief commission officer shall think fit to inflict. *Provided, always,* that every master, owning three such servants as aforesaid, shall be excused from his appearance at the usual place of rendezvous on private musters; any thing in this Act to the contrary hereof in any wise notwithstanding.

VI. *And be it further enacted,* That all and every white male servant or servants, who shall at the term and expiration of his or their service be freed and discharged, shall be provided by his or their master or mistress, with such good and sufficient arms, ammunition and accoutrements, as by this Act is directed; and the master and mistress of such servant or servants as aforesaid, shall be obliged, and are hereby required, at the expiration of his or their service, to furnish him or them with such arms, ammunition and accoutrements, in order for such servant or servants to make their appearance at all musters in the respective company he or they shall belong to; and in case the said master or mistress shall neglect or refuse to supply their servant or servants so discharged and freed, with arms, &c., as aforesaid, he or they so neglecting or refusing, shall forfeit the sum of ten pounds, current money of this Province; to be recovered and levied for the proper use and behoof of the said servant or servants, in the same manner as the fines and forfeitures are recoverable by virtue of this Act for non-appearance at muster. *Provided, nevertheless,* that such servant or servants, to whom such arms shall be furnished, or to whose use the said fine of ten pounds shall or may be levied upon their master or mistress, shall be obliged to re-pay the said sum of ten pounds to his or their masters or mistresses within six months after; which said sum shall be recovered in the same manner as other debts contracted in this Province are liable to be recovered. And in case the officer-in-chief of any company shall, at the next muster after the reading of this Act, and at any and every muster thereafter, have cause to suspect that any free person doth appear with arms which are not really his own property, then, and in such case, the commanding officer of every company is hereby required and empowered to examine any person on oath concerning the same; and if it shall appear that the arms which the said freeman hath brought into the field as aforesaid, do not belong to himself, then the said free man so offending, shall be fined as in case of non-appearance.

VII. *And be it further enacted* by the authority aforesaid, That every Colonel, Lieutenant-Colonel, Major and Captain, in the militia of this Province, do, by himself or his inferior officers, exercise his company in the use of their arms and other discipline of war, as to the said commander shall seem meet, or as shall be ordered and appointed them by the commander-in-chief for the time being, or other their superior officers, once every two months, and not oftener, except on particular and special occasions.

*Musters, when
to be held.*

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Several companies to drill together.

VIII. And *whereas*, it will contribute to the better discipline of the inhabitants of this Province, to have the militia exercised, sometimes, in greater numbers than what belong to one company. *Be it further enacted*, by the authority aforesaid, That every two or three companies that are nearest to each other in this Province, shall meet once every year, at such time and place as the General or Commander-in-chief shall think fit, in their respective counties; and in case any officer, sergeant, corporal, drummer, private, centinel, or any other person capable of bearing arms, and enlisted in any company, shall not, after due notice and summons given unto him or them, appear accounted as aforesaid, at the musters of two or three such companies as aforesaid, shall forfeit the sum of five pounds, current money, for every such muster he or they shall neglect to come to as aforesaid. *Always provided*, That any person making default of appearance in any company, and that shall, within ten days, by sufficient testimony upon oath, or any other reasonable way, make it appear to their respective commanders, who are hereby empowered to administer the said oath, that they were disabled from such appearance by sickness, maim, or other lawful reason, of which every respective commander shall be judge, shall be excused from their respective fines for their non-appearance as aforesaid.

Who exempt.

IX. *And be it further enacted*, That all members of the Council, all members of the Assembly, and clerks of the same, all judges and their clerks, sheriffs, justices of the peace, all officers belonging to his Majesty's customs for the time being, ministers of the gospel, landgraves, casiques, judge and officers of the vice admiralty for the time being, the secretary, attorney general and their deputies and clerks, the surveyor-general, the coroners, the register, the marshal, the attorneys allowed to practice in any courts, the pilots and one person assisting to each pilot, and one white man attending each ferry boat, and also all strangers, merchants and others, who have not lived in this part of this Province the time and space of three months, shall not be bound to appear in the militia, as in this Act is provided, excepting in the times of alarms, at which times none of the persons above mentioned shall be excused, except one ferryman as aforesaid, but shall be liable to all such fines and forfeitures as any person enlisted in the militia are or ought to be, by virtue of this Act; any thing herein contained to the contrary in any wise notwithstanding. And every person that shall appear as directed, in time of actual invasion, and doth forsake his colours, or be disobedient to his officers, or otherwise neglect his duty, shall suffer such punishment as a court martial shall direct and appoint.

Penalty for not appearing at rendezvous, on alarm.

X. *And be it further enacted*, That if any person aforesaid shall be disobedient to such order or orders as shall be appointed by his respective commander, for carrying on alarms, or shall have notice of an alarm, by guns or otherwise, and doth not, in the shortest time he possibly can, repair to such place of rendezvous, completely armed as before in this Act is appointed, from the place of his abode, or wheresoever else he shall happen to be at the time of such alarm, shall, for the first hour he shall stay longer than he might have reasonably repaired to the place of rendezvous, of which his commanding officer shall be judge, shall forfeit the sum of five pounds, current money; to be recovered as is hereinafter directed. And in case any person is told, or by any ways made sensible, that there is an alarm or actual invasion, and is so negligent or disobedient that he doth not appear completely armed as is hereinbefore directed, under his colours, at such place wherefo the company to which he belongs is ordered to

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repair, in a reasonable time after such notice had as aforesaid, and the enemy shall engage with his said company, that then, the person so offending, whereof the commander shall be judge, shall forfeit the sum of fifty pounds, current money, or suffer such corporal punishment as the commander-in-chief shall think the nature of his crime deserves. *Provided, nevertheless,* that nothing in this Act shall be construed or intended to abridge the power of the Governor, by and with the advice and consent of his council, in proclaiming martial law in the time of actual invasion or open rebellion, but that in such case, it shall be lawful for him to proclaim martial law, and execute all the powers and authorities that to a Captain-General do, or may of right, belong.

XI. And *Whereas*, divers persons who have formerly borne military commissions, do pretend an exemption from doing any manner of duty in the militia of this Province, contrary to the true intent of this Act. *Be it therefore enacted*, That all such persons who have heretofore borne commissions for field officers and captains of standing companies, and which by any Governor heretofore have been or hereafter shall be displaced, shall be excused from appearing at private musters; *provided, nevertheless*, that all such field officers and captains who heretofore have been or hereafter shall be displaced, shall, on all alarms, appear completely armed as is hereinbefore directed, at the place of rendezvous of the company that belong to the precinct wherein he actually resides.

Former officers
when exempt.

XII. And *whereas*, it may be of evil consequence to establish any positive law concerning alarms, by reason of the various accidents which may happen, which must require particular and sudden remedies. *Be it enacted* by the authority aforesaid, That the Commander-in-chief for the time being, shall forthwith, from time to time, and upon all occasions, issue such orders, for ascertaining the cause and manner of raising, continuing and carrying on alarms; which said orders so issued out, shall forthwith be sent to the chief officer of every company, to be published at the head thereof.

Alarms.

XIII. And *be it further enacted*, That no member of Council, nor the chief justice, nor any member of Assembly, shall be enlisted in any company, but shall, in times of alarms and invasions, attend the General or Commander-in-chief, with horse and arms.

XIV. And *be it further enacted*, That the commander of every company shall make choice of any persons out of the said company that he shall think fit, to be sergeant or corporal of the said company; and if either of the persons so chosen shall refuse or neglect to act or perform their duty as sergeants or corporals, the person or persons so neglecting or refusing, shall forfeit the sum of ten pounds, current money; to be levied, recovered and disposed of, as is hereinafter directed.

Sergeants and
corporals.

XV. And *be it further enacted*, That all such fines, penalties and forfeitures that shall accrue by virtue of this Act, shall be levied after such manner and disposed of to such uses as is hereinafter directed, that is to say:—all fines accruing by non-appearance on alarms, exceeding the sum of ten pounds, current money, shall be recovered and levied by warrant, from the Governor or any two field officers, directed to the field marshal or to any other person that he or they shall order to execute the same; and all other fines accruing by this Act shall be levied by warrant, under the hand and seal of the commanding officer of the company, directed to the sergeant or sergeants thereof, who are hereby required and empowered to levy the same upon the goods and chattels of the defaulters; and the fines shall be for the proper use and behoof of the sergeant or sergeants who shall

Fines, how to
be collected
and applied.

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make distress for the same. *Always, provided*, that if such sergeant or sergeants is resisted in the execution of the said warrant, by the person against whom the warrant is granted, then, and in such case, the commanding officer is to empower the said sergeant to raise any sufficient number of men belonging to the said company, to aid and assist him or them, by force, to levy double the fine imposed on such defaulter by the said warrant, for such his contempt; and in case the field marshal or any other person empowered as aforesaid to execute any warrant for the levying and recovering any fines accruing in times of alarm, shall be resisted in the execution of the said warrant, shall have the same powers as is hereinbefore granted to the sergeants. *Provided also*, that the said warrant or warrants be executed within the space of one month next after the default shall be proved before the captain or other chief officer of the company where the defaulters are or shall be made. But in case any defaulter shall absent himself, or prevent such warrant, issued out by the proper officer as aforesaid, to be served within one month, as before directed, shall, notwithstanding such warrant is not executed within the said one month, be liable to the said fines, penalties and forfeitures, at any time or times after.

XVI. *And be it further enacted*, That all manner of goods taken by virtue of this Act, in this Province, out of Charlestown, shall be sold to the highest bidder, at the head of the company to which the defaulter belongs, at the next muster after the taking of the goods; and in case there are no persons present that will buy or bid for the same, that then and in such case, the said goods shall be brought to Charlestown by the person that distrained or took the same, and there shall be sold at public vendue; and if any goods shall be taken or distrained upon defaulters in Charlestown companies, then the said goods shall be sold by the persons that distrained the same, at public vendue, within ten days after the said goods are taken or distrained, and the overplus, (if any there shall be,) after the said fines, penalties and forfeitures, with reasonable charges, are deducted, shall be returned to the owner or owners of such goods so taken or distrained. *Provided, always*, that it shall and may be lawful for such owner or owners of the said goods, to redeem the same, by paying their full fines, penalties and forfeitures, together with the costs and charges, at any time before the said goods shall be sold. And in case the said field marshal, sergeant or sergeants, or any other person appointed to execute the said warrants, cannot find any goods and chattels of the persons making default as aforesaid, then and in such case, the said field marshal, sergeant or sergeants, or other persons as aforesaid, shall apprehend the body of such defaulter and him shall carry and deliver to the marshal, in Charlestown, who is hereby required and empowered to keep such defaulter in close and safe custody until he hath paid his fine, penalty or forfeiture, according as the warrant directs, and for which he or they were so imprisoned, with all necessary costs and charges; and the marshal into whose custody he was, upon certificate from the captain of the company to which the said defaulter belongs, that he hath paid his said fine or forfeiture, shall dismiss such defaulter out of prison, he having first received his fees from the said defaulter, which shall be forty shillings, current money, and five shillings per diem for his diet, and no more.

XVII. *And be it further enacted*, That every commander-in-chief of every company shall cause to be levied such fines, penalties and forfeitures which shall accrue by virtue of this Act, in such manner, and

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cause them to be disposed of to such uses, as is before herein appointed; which, if any of them shall neglect or refuse to do, he so offending shall forfeit the sum of twenty pounds, current money, to be levied and recovered by a warrant under the hand and seal of the General, or a field officer, who are hereby empowered, upon proof made before either of them, to grant the same, directed to any constable of that parish where the said commander lives; and the said constable is to observe all such methods and rules for distraining or recovering the said fines as is above directed in this Act, and to dispose of the same, one half to the informer, and the other half to the church-wardens of that parish he belongs to, for the use of the poor thereof.

XVIII. *And be it further enacted*, That in case the field marshal or any sergeant, or other persons, shall refuse or neglect to levy the said several sums, according to the tenor of such warrants as shall be directed to him or them, for the space of one-and-twenty days after his or their receipt of the same, or shall refuse or neglect to sell and dispose of the goods and chattels by him or them distrained, as is in this Act before directed, shall incur the several penalties following, that is to say:—the said field marshal or other persons, shall forfeit the sum of fifty pounds, and the said sergeant shall forfeit the sum of ten pounds, current money, to be levied on his goods and chattels, by a warrant under the hand and seal of the commander-in-chief of the company he so making default belongs to, directed to any constable or other person whatsoever, who is hereby empowered and required to execute the same, and to follow and pursue such methods in the execution thereof, as in this Act before directed for levying the other fines and forfeitures, and to keep one half of the said fines for their own proper use and behoof, and to deliver the other half to the church-wardens of the parish where such person so making default lives, for the use of the poor thereof.

Penalty on
officers for fail-
ing to collect
fines, &c.

XIX. *And be it further enacted* by the authority aforesaid, That in the time of any general alarm, all field officers and captains of every company be, and they are hereby, fully empowered, by themselves, or their warrant to any inferior officer or soldier, to impress any provisions, horses, boats, canoes, periaugers and vessels, with their furniture, and what other things soever they shall want or have need of for the service of this Province. *Provided always*, that all provisions, horses, boats, canoes, periaugers and vessels, and what other things soever impressed as aforesaid by the proper officer hereby empowered, be, by the said officer, brought before three or more indifferent persons, being freeholders, having judgment in the respective things so impressed and brought before them, to be appraised and valued before it be disposed for the public service of this Province; and that when the same shall be so valued and appraised, the said officer do give a receipt, under his hand, for the same, to the owner thereof, if he conveniently can; and that the commanding officer or captain of each company, do cause his or their clerk or clerks to enter the same into a book to be kept for that purpose; and that the said appraisers shall appraise and allow a competent hire for the said horses, periaugers and other things imprest for said service, when returned to the said owners, and the same to be given under the hands of the said appraisers, to the owner or owners thereof, directed to the public receiver, who is hereby ordered to pay the same; and also, that such commanding officer and captain of each company, after the alarm shall be over, and before his or their company or companies shall be discharged, do order so many men as he or they shall

Power of im-
pressment.

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think fit, to carry such horses, boats, canoes, periaugers and vessels, of what other things soever they shall have impressed, to the respective owners from whom they were taken, the owners giving their receipt upon the redelivery of the same; and the said commanding officer or captain of each company, and each and every of them, are hereby empowered to draw an order on the public receiver, payable to the persons aforesaid, for so much money as he or they shall think the said persons for carrying home any of the things hereinbefore mentioned deserve; and the public receiver is hereby ordered to pay the same.

XX. *And be it further enacted*, That the commanding officer or captain of each company, do lodge in some convenient and secure place, for the public use, all the provisions and ammunition impressed by him or them, or by virtue of his or their warrant or order, and that shall remain unexpended after an alarm, and that he take a particular account thereof.

Strong drink
prohibited.

XXI. *And be it further enacted*, That in the time of an alarm no tavern or punch house keeper, or other person whatsoever, shall sell or otherwise suffer any person to have any strong liquor, from and after the beat of the tattoo, until the beat of the travalia, or whilst the said person ought to be upon the main guard or on their duty, on the penalty of five pounds; current money, for every such default; to be levied as in this Act is provided for fines at any muster, and to be used as in that case is provided.

Cavalry.

XXII. *And be it further enacted* by the authority aforesaid, That if the Commander-in-chief shall think fit, at any time or times hereafter, to raise one or more troops of horses in this Province, and shall commissionate any officer or officers in each troop, to command and exercise the same, every person residing within the limits of each county, who shall enlist himself under the command of such officer or officers, shall provide himself with such horse, arms and furniture, as the Colonel shall think fit and approve of, and shall be acquitted, excused and discharged of and from all musters, appearances at musters, and services whatsoever, under the command of any foot officer, and from the pains, penalties and forfeitures, which otherwise, for neglect thereof, he ought to have incurred and paid. *Provided, always*, that such person shall not have liberty to enlist himself under any other officer of any troop than that which is or shall be appointed to be raised within the limits of the respective county where he shall actually reside; and such trooper so enlisted and furnished as aforesaid, for his non-appearance at the place and time, from time to time appointed by his commanding officers, shall, for each offence, forfeit the sum of five pounds, to be levied by a warrant under the hand and seal of the commanding officer of the said troop, directed to the clerk thereof; and for such trooper's offence for not appearing as aforesaid, in the time of alarms, shall forfeit the sum of fifty pounds, to be levied after the same manner and use as is before directed to be levied on the foot soldiers; and that every such trooper so enlisted, shall remain under the command of his said officer, and not suffered to be enlisted again in the foot, until he can obtain a certificate from the commanding officer of the said troop of his discharge; and the said troopers to be under the same punishment as is provided for the foot; that the said clerk be invested with the same powers as any sergeant or sergeants, for levying of any fines, have by virtue of this Act as aforesaid.

Dragoons.

XXIII. *And whereas*, it may be necessary for his Majesty's service, and the security and defence of this Province, that a troop or troops of dragoons should be raised, who shall be armed with their fuzees slung, and in

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all other respects as the foot companies of this Province are, only that they shall be provided with horses, as is usual in those corps. *Therefore, be it enacted* by the authority aforesaid, That it shall and may be lawful for his Excellency the Governor, or the Governor for the time being, to commissionate the proper officers of the foot regiments, to enlist as many dragoons out of their respective company as they can, and to form them into a troop or troops under their command; which troop or troops shall be armed and accoutred as aforesaid, and be liable to the same musters, and in all respects to the same discipline, fines or forfeitures as any other the military of this Province are liable to.

XXIV. *And be it further enacted* by the authority aforesaid, That any person or persons having enlisted themselves in any the troops of horse or dragoons as before mentioned, and provided themselves with a good horse for the service, and proper accoutrements, viz.—a saddle, with holsters and a pair of pistols, a carbine and sword, which said arms and accoutrements having been viewed and approved of by the Colonel or commanding officer of the said troop of horse or dragoons, and the particulars thereof, with the age and description of the said horse, entered by him in a book to be kept for that purpose, and also a description of the arms, &c. That the said horse, arms, &c., so as before provided, and entered with the said commanding officer, as also the arms and accoutrements of a foot soldier, shall not be subject or liable to any seizure on account of any execution or otherwise, but shall be deemed as arms for the public service; any law, custom or usage to the contrary hereof notwithstanding.

Arms exempt
from execution.

XXV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the Colonels of the several regiments, to settle the bounds and limits of each company in their respective regiment, and to divide the companies, in such a manner as they shall think most for the service of the Province.

XXVI. *And whereas*, the several patrols in this Province generally consist of the choicest and best men, who screen themselves from doing such services in alarms as are required and ought to be done by men of their ability, which creates great murmuring and disturbances in the militia in this Province. *Be it therefore enacted* by the authority aforesaid, That all persons who are enlisted in the several patrols appointed in this Province, shall, as soon as may be, after the ratification of this Act, be enlisted in the several and respective foot companies where they reside; and that the commanding officer of each foot company and troop of dragoons do and shall, at each private muster or otherwise, order and appoint such number or numbers of men as to him shall seem meet, with proper persons to command them, to ride as a patrol or patrols within the precinct or division to which such foot company and troop of dragoons belong; and also do and shall relieve them from time to time, by appointing other persons to ride in their stead; and every person belonging to each foot company and troops of dragoons to go a patrolling, and appointed as aforesaid, shall be so armed, furnished, provided and accoutred, as the officer thinks fit and convenient.

Patrols.

XXVII. *And be further it enacted*, That every commanding officer or captain of each foot company and troop of dragoons, so often as they shall be by their superior officers commanded, or as often as he or they shall think fit, shall order and appoint such number or numbers of men, with a proper person to command them as aforesaid, to go from plantation to plantation,

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and into any plantation, within such limits and precincts as they shall see occasion, and to take up all slaves which they shall meet without their master's plantations, who have not such a permit or ticket from their masters or mistresses or overseers, as is directed by an Act entitled "An Act for the better ordering of slaves," ratified in open Assembly, the seventh day of June, Anno Domini one thousand seven hundred and twelve, and the same to punish as the above recited Act does appoint; and the said number or numbers of men so appointed to go a patrolling as is hereinbefore mentioned, are hereby fully empowered and authorized to put in execution the said last recited Act, and to use their utmost endeavour to prevent all caballings amongst negroes, by dispersing of them when drumming or playing, and to search all negro houses for arms or other offensive weapons; and farther, are hereby empowered to examine all white servants they shall meet with out of their master's business, and the same (if they shall suspect to be runaway, or upon any ill design,) to carry such servant to a magistrate, who is hereby directed and impowered (if such servant is found guilty,) to order such servant immediately to be whipped, or punished as he shall think fit, and then send him home to his master; and also, if they meet with any idle, loose or vagrant fellow that cannot give a good account of his business, shall also be hereby empowered to carry such vagrant fellow to a magistrate, to be by him dealt with according to law; and further, the said patrol shall follow and observe all such orders and instructions as they shall from time to time receive from the commander-in-chief, or from their respective commanding officer or officers, captain or captains.

XXVIII. *And be it further enacted*, That all and every person and persons appointed to go a patrolling aforesaid, who shall neglect or refuse to obey and exercise all or any of the orders and instructions which they shall at any time or times hereafter receive from the Commander-in-chief, or from their respective officers, or shall neglect or refuse to do and perform any matter or thing enjoined by this Act, shall suffer the same forfeitures and penalties as are imposed by this Act on the defaulters at the musters of the foot company, and applied to the same uses as aforesaid.

XXIX. *And be it further enacted*, That an Act entitled "An Act to settle a patrol," ratified on the fourth day of November, in the year of our Lord one thousand seven hundred and four, and every clause, matter and thing therein contained, be, and the same is hereby, repealed, annulled and made utterly void, to all intents and purposes whatsoever.

Servants and
poor men.

XXX. *And whereas*, servants, after their freedom, and poor men, are or may be excused from providing for themselves arms and ammunition for the space of six months. *Be it enacted*, That every such servant becoming free, and poor persons, shall appear at alarms, or suffer such punishment and fines as other persons which do not appear, or after appearance, desert or disobey or neglect to do their duty, by this Act are ordained to suffer; anything herein contained to the contrary thereof in any wise notwithstanding.

XXXI. *And be it further enacted*, That every regimental commission officer, (ensigns excepted,) at private musters, and in time of alarms and invasion, shall carry or be armed with a good fusée, and other necessary accoutrements.

XXXII. *And be it further enacted* by the authority aforesaid, That this Act, and every clause, paragraph, matter and thing herein contained, do

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continue for and during the term and space of two years, and from thence to the end of the next sessions of the General Assembly, and no longer.

Charlestown, September the 2d, 1721,

JA. MOORE, *Speaker.*

Assented to: FR. NICHOLSON, *Governor.*

AN ACT for the better regulating the Militia.

No. 584.

(Passed May 30th, 1734.)

[This being identical with the preceding Act, is omitted.]

AN ADDITIONAL AN EXPLANATORY ACT TO AN ACT FOR THE BETTER REGULATING THE MILITIA OF THIS PROVINCE. No. 653.

WHEREAS, by an Act of the General Assembly of this Province, passed on the eleventh day of March, in the year of our Lord one thousand seven hundred and thirty seven, entitled "An Act for the better regulating the militia of this Province," it is, amongst other things, enacted, that the Captain or other commanding officer of each and every company, to be formed agreeable to the direction of the said Act, should once in every two months, in the time of peace, and not oftener, assemble, muster, train and exercise the company under his command, at such place within the parish or division to which such company should belong; and that the Colonel, or in his absence, the next field-officer, should, once in every year, and not oftener, assemble, muster, train and exercise his whole regiment, within the county where such regiment should be formed, at such place within such county as the said Colonel, or in his absence, the next field-officer, should think fit to direct and appoint; but no fine is imposed by the said Act on the Captains or other commanding officers of the respective companies, who shall refuse or neglect to conduct and lead their respective companies to the place of rendezvous so appointed or to be appointed for such general muster: And *whereas*, by reason of the excessive heat in the summer months it may be inconvenient in time of peace to muster every two months successively throughout the whole year; we therefore pray his most sacred majesty, that it may be enacted, and

Preamble.

It *Be it enacted*, by the honorable William Bull, Esq., President and

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Acts relating to the Militia.

Battalion muster.

Commander-in-chief of this Province, by and with the advice and consent of his Majesty's honorable Council, and the Assembly of this Province, and by the authority of the same, That it shall and may be lawful to and for the Colonel, or in his absence the next field officer, of every regiment formed or to be formed in this Province, on any days or times when any three or more of the companies of the militia shall be assembled, to be trained, mustered and exercised, within six miles of one another, to cause such companies to assemble together, at some convenient place within the district of such regiment to which such companies shall respectively belong, and there to train and exercise such companies in battalions, in such manner and form as such Colonel or other field officer shall think fit, any thing in the said Act to the contrary notwithstanding. *Provided, always,* That such companies shall have no navigable rivers or creeks to cross in their march when they shall be so directed to assemble in Battalion, nor shall have more than six miles to march from the place of ordinary rendezvous of each company, to form the battalions as aforesaid.

Fine of captains, &c. for neglect.

II. *And be it further enacted* by the authority aforesaid, That every captain and other inferior commissioned officer of any company within this Province, who shall refuse or neglect to conduct or lead his company, or to attend the same to the place of rendezvous, of any general muster appointed according to the directions of the said Act, or to the exercising of the companies in battalion, according to the directions of this present Act, every such captain and other inferior commissioned officer of such company, who shall so refuse or neglect as aforesaid, shall, for every such offence, forfeit and pay the sum of twenty-five pounds, current money; and the said offences shall be heard, tried and determined, and the said fines levied, in the same way and manner as other offences of captains or other commanding officers of companies, by the said Act are directed to be tried, heard, determined and levied.

Company musters.

III. *And be it further enacted* by the authority aforesaid, That it shall be lawful for every captain or other commanding officer of the several companies in this Province, to assemble, muster, train and exercise their respective companies, or any of them, for ordinary musters, at any time or times throughout the year, giving notice of such muster by beat or drum, or in such other expeditious manner as such captain or other commanding officer shall think fit; any thing in the herein-before recited Act, or any former law, usage or custom, to the contrary in any wise notwithstanding.

IV. *Provided always, and be it further enacted,* That it shall not be lawful to assemble any of the said companies for ordinary musters, above six times in one year.

V. *And whereas,* it may be convenient and necessary in some particular and special occasions, to assemble the said companies at other times than are usually fixed for ordinary musters; *It is hereby further enacted and declared,* That whenever any of the said companies shall be assembled or mustered on any particular and special occasion, such assembling and mustering shall be esteemed and accounted as a muster-day, and one of the six times on which the said companies are obliged to muster in one year: *And provided, also,* That the said general muster of any of the said companies according to the directions of the said Act, shall be esteemed and accounted as and for one other of the six times on which the said companies are obliged to muster in one year; any thing in the said Act to the contrary notwithstanding. *Provided, always,* That no company or companies

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in this Province be assembled on such special and particular occasions; without the order, command or direction of the Governor, Lieutenant Governor or President of this Province for the time being. *Inspection of arms.* *Provided, also,*

That this clause shall not be construed to hinder the assembling of any of the said companies, or parts thereof, for suppressing insurrections, pirates, sea-rovers or fugitive slaves, as is directed by the said before recited Act.

VI. And *whereas*, by the herein before directed Act, it is required that all persons who are liable to bear arms; shall constantly keep in their houses such arms, furniture, ammunition and accoutrements as are directed by the said Act, that they may be prepared for action, in case there should be any sudden occasion for assembling the militia of this Province, or any part thereof; *It is therefore hereby further enacted* by the authority aforesaid, That it shall and may be lawful for the commission officers of any of the companies of this Province, six times in the year, and not oftener, to take to their assistance, if they think fit, the serjeants of such companies, and at any convenient time of the day, to repair to the place or places of residence of any person or persons, as well those persons who are obliged to appear on alarms, as to other persons liable to bear arms, and entered and enlisted in any such company, and to demand a sight of the arms; ammunition; furniture and accoutrements directed by the Act aforesaid; and in case any person shall refuse or neglect to produce such arms; furniture, ammunition and accoutrements, or to suffer the same to be viewed and inspected, or if when produced, the said officers shall find the same defective; it shall and may be lawful for the said officers to fine every person offending herein, in any sum not exceeding three pounds current money, and to proceed against him or them for levying the same, in all respects after the same manner as is directed for proceeding against persons who do not appear at ordinary musters.

VII. And *whereas*, no provision is made in the said Act for the appointment of sergeants in the respective companies of the militia; *Be it further enacted* by the authority aforesaid, That the captains of each company shall have power to appoint any two persons within their respective companies, who are obliged to appear at common musters; as they shall think fit, to be sergeants of the said companies, who shall be obliged to act and continue such for the term of one year; and if any person after he is so appointed, shall refuse or neglect to act and perform their duty as sergeant in the said companies respectively, the person so refusing to take the office upon him; or neglecting his duty afterwards, shall for every offence forfeit the sum of ten pounds current money, to be recovered and levied as other fines in the said Act are directed. *Provided, always*, That no person shall be subject to such fine for not taking the said office upon him more than once in seven years.

VIII. And for a further encouragement for sufficient and able men to take the said office of sergeant upon themselves; *Be it further enacted* by the authority aforesaid, That the fines of the common men for non-appearance at general musters shall be paid and applied to the use of the respective sergeants of the companies in which any neglect of appearance at general musters shall happen; any thing in the said Act to the contrary notwithstanding.

IX. And *whereas*, by the said recited Act, it is enacted, "That all offences committed by any non-commissioned officer or private person, who is by the said Act obliged to bear arms; shall be heard, tried, adjudged and

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*Acts relating to the Militia.*Defaulter, how
to be tried.

determined before the majority of the commissioned officers of the troop or company to which such person shall belong, at the next muster-day of the said company, unless in the mean time, before such next muster-day, such person so offending shall make a sufficient excuse to the captain of the said company." And *whereas*, by reason of such delay, some persons have been encouraged to neglect the duty required by the said Act. *Be it therefore enacted*, That it shall and may be lawful for the said commissioned officers, after any muster-day, to assemble and meet as soon as they shall think fit, and shall immediately proceed to hear, try, adjudge and determine all offences against the said before recited Act, or against this present Act, and forthwith to proceed against the said offenders in such manner as by the said Act is directed. *Provided*, that no execution shall be issued by virtue of this Act, till ten days next after the adjudication.

Executions.

X. *Provided, also, and be it further enacted* by the authority aforesaid, That the execution to be issued by the aforesaid Act or this Act, shall be against the persons of the offenders, and not against any goods which may be found in their possession, except such offender shall produce goods, *bona fide*, his own property; which goods so produced, shall be distrained, held, deemed and taken in execution as the goods of such defaulters, and the same sold accordingly, as the aforesaid Act directs in the like cases for levying of fines; any thing in the said Act to the contrary notwithstanding.

XI. *And be it further enacted* by the authority aforesaid, That this present Act shall be and continue in force so long as the said recited Act shall be and continue in force, and no longer.

CHARLES PINCKNEY, *Speaker*.*In the Council Chamber, the 3d day of April, 1739.*

Assented to :

WM. BULL.

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AN ACT FOR THE BETTER REGULATING THE MILITIA OF THIS PROVINCE, AND FOR REPEALING THE FORMER ACTS FOR REGULATING THE MILITIA; AND FOR REPEALING AN ACT ENTITLED "AN ACT FOR THE FURTHER SECURITY AND BETTER DEFENCE OF THIS PROVINCE."

No. 748.

WHEREAS, the safety and defence of this Province, next to the blessing of almighty God, and the defence of our most gracious Sovereign, chiefly depends on the knowledge and use of arms and good discipline; Governor to we humbly pray his most sacred Majesty that it may be enacted, and *organize the Militia.*

I. *Be it enacted*, by his Excellency James Glen, Esquire, Governor-in-chief and Captain General in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, and by the authority of the same, That it shall and may be lawful to and for the Governor, Lieutenant-Governor or President of this Province, who now is or shall hereafter be appointed or commissioned by his Majesty, his heirs or successors, to assemble and call together all male persons in this Province, from the age of sixteen to sixty years, within the several towns, counties, parishes and places in this Province, at such times, and arm and array them in such manner, as is hereafter expressed and declared, and to form them into companies, troops and regiments; and in case of insurrection, rebellion or invasion, them to lead, conduct and employ, or cause to be led, conducted and employed, as well within the said several counties, towns, parishes and places where such persons reside, as into any other counties or places within this Province, for suppressing all such insurrections and rebellions, and repelling such invasions, as may happen to be. And that the said Governor, Lieutenant-Governor or President for the time being, shall have full power and authority, from time to time, to constitute, appoint and give commissions to such persons as they shall think fit, to be Colonels, Majors, Adjutants, Captains and other commission officers of the said persons so to be armed, arrayed and weaponed.

II. *And be it further enacted* by the authority aforesaid, That in every county within this Province, there shall be formed one or more regiment *Regiments and companies.* or regiments, and within every parish within the respective counties, one or more company or companies; which said regiment or regiments, company or companies, shall consist of such number of men as the Governor, Lieutenant-Governor or President of this Province for the time being, shall in his discretion think fit.

III. *And be it further enacted* by the authority aforesaid, That the several field officers who shall be in commission, or the majority of them, *How to be divided.* in each respective regiment, are hereby fully authorized and empowered to settle and ascertain the districts and divisions of the companies in each parish, under their command, if they shall think it necessary to divide the inhabitants of any parish into more companies than one. *Provided*, that such divisions be agreeable to the directions and regulations prescribed by this Act.

IV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the Colonel, or in his absence, the next field officer of every regiment formed or to be formed in this Province, on any days and times when any three or more of the companies of the militia shall be assembled to be trained, mustered or exercised within six miles of one another, to cause such companies to assemble together at some convenient place within the district of such regiment to which such companies *Battalion musters.*

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shall respectively belong, and there to train and exercise such companies in battalions, in such manner and form as such Colonel or other field officer shall think fit; anything in this Act to the contrary notwithstanding; excepting all companies upon any Islands along the sea coast in this Province.

Fines of captains, &c., for neglect.

V. *And be it further enacted* by the authority aforesaid, That every captain or other inferior commissioned officer of any company within this Province, who shall refuse or neglect to conduct or lead his company, or to attend the same, to the place of rendezvous of any general muster hereby appointed, or to the exercising of the companies in battalion, according to the directions of this Act, every such captain and other inferior commissioned officer of such company, who shall so refuse or neglect as aforesaid, shall, for every such offence, forfeit and pay the sum of twenty-five pounds, current money; and the said offences shall be heard, tried and determined, and the said fines levied, in the same way and manner as other offences of captains or other commanding officers of companies, by this Act are directed to be tried, heard, determined and levied.

Company musters.

VI. *And be it further enacted* by the authority aforesaid, That it shall be lawful for every captain or other commanding officer of the several companies in this Province, to assemble, muster, train and exercise their respective companies, or any of them, for ordinary musters, at any time or times throughout the year, giving notice of such muster by beat of drum, or in such other expeditious manner as such captain or other commanding officer shall think fit; anything in any former law, usage or custom, to the contrary in any wise notwithstanding. *Provided always*, that it shall not be lawful to assemble any of the said companies for ordinary musters, above six times in one year. *Provided also*, and it is hereby declared, that no person or persons whatsoever shall be compelled or obliged, at any general muster, to go out of the county where such person resides, nor at ordinary musters to go out of the parish where he dwells, nor to remain at the place where such general or ordinary musters shall be appointed, above one day, except in time of actual rebellion, insurrection or invasion, or other cases hereinafter particularly mentioned and provided; nor shall this Act, nor anything herein contained, be deemed, construed or taken to extend to the giving or declaring any power for transporting or sending any of his Majesty's subjects in this Province, or any way compelling them, to march out of this Province, otherwise than by the laws of this Province ought to be done.

Captains to enrol and summon the inhabitants.

VII. *And be it further enacted* by the authority aforesaid, That the captains of the several and respective companies in each county in this Province, shall severally and respectively, enter, enlist and enroll all the names of all the male inhabitants of this Province, from the age of sixteen to sixty years, within their several and respective parishes and divisions, and shall cause the several persons so elected to be duly summoned to appear at the times and places appointed for ordinary musters in each several and respective parish or division; and the publishing the muster days as aforesaid, shall be deemed a sufficient summons within the intent of this Act, to oblige the persons liable to appear at such musters; and the persons whose names shall be so entered, enlisted and enrolled, shall be deemed and held to be enlisted in and to belong to the company of that parish or division in which they are or shall be so enlisted and enrolled, and shall be obliged to appear at musters and on all other occasions, and to be subject to the directions of this Act without any farther or other notice whatsoever.

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VIII. *And be it further enacted* by the authority aforesaid, That every person liable to appear and bear arms at any muster, exercise or training hereby appointed, pursuant to the directions of this Act, shall constantly keep in his house, or at his usual place of residence, and bring with him to such muster, exercise or training, one gun or musket, fit for service, a cover for his lock, one cartridge box, with at least twelve cartridges, filled with good gun powder and ball, a horn or flask, filled with at least a quarter of a pound of gun powder, and shot pouch, with bullets proportionable to the gun powder, one girdle or belt, one ball of wax sticking to the end of his cartridge box, to defend his arms in rain, one worm and picker, four spare flints, a bayonet, sword or hatchet; of the fitness and sufficiency of which arms, every commanding officer of the company to which such person belongs is hereby declared to be the judge. Arms.

IX. *And be it further enacted* by the authority aforesaid, That in case any person liable to appear and bear arms at muster as aforesaid, shall neglect or refuse to appear completely armed and furnished as aforesaid, at any general muster of the regiment, to which the company in which he is entered and enlisted shall belong, every such person shall forfeit and pay a sum not exceeding five pounds, current money; and in case any such person shall neglect or refuse to appear in manner aforesaid, completely armed and furnished as aforesaid, at any ordinary muster, every such person shall forfeit and pay a sum not exceeding three pounds, current money; which said several penalties shall be recovered, applied and disposed of as is hereinafter directed. Penalty for not being armed.

X. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the commission officers of any of the companies of this Province, six times in the year, and not oftener, to take to their assistance, if they think fit, the sergeants of such companies, and at any convenient time of the day, to repair to the place or places of residence of any person or persons, as well those persons who are obliged to appear on alarms, as to other persons liable to bear arms, and entered and enlisted in any such company, and to demand a sight of the arms, ammunition, furniture and accoutrements aforesaid; and in case any person shall refuse or neglect to produce any such arms, furniture, ammunition and accoutrements, or to suffer the same to be viewed and inspected, or if, when produced, the said officers shall find the same defective, it shall and may be lawful for the said officers to fine every person offending herein, in any sum not exceeding three pounds, current money, and to proceed against him or them for levying the same in all respects after the same manner as is directed for proceeding against persons who do not appear at ordinary musters. Inspection of arms.

XI. *And whereas*, it may be convenient and necessary, on some particular and special occasions, to assemble the said companies at other times than are usually fixed for ordinary musters. *It is therefore further enacted and declared*, That whenever any of the said companies shall be assembled or mustered on any particular or special occasion, such assembling and mustering shall be esteemed and accounted as a muster day, and one of the six times on which the said companies are obliged to muster in one year. *And provided also*, that the said general muster of any of the said companies, according to the directions of this Act, shall be esteemed and accounted as and for one other of the six times on which the said companies are obliged to muster in any one year; anything in this Act to the Special musters.

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horse.

contrary notwithstanding. *Provided, always,* that no company or companies in this Province be assembled on such special and particular occasions, without the order, command or direction of the Governor, Lieutenant-Governor or President of this Province for the time being. *Provided also,* that this clause shall not be construed to hinder the assembling of any of the said companies or parts thereof, for suppressing insurrections, pirates, sea rovers or fugitive slaves.

XII. And *whereas,* it may very much contribute to the safety and welfare of this Province, to have a troop or troops of horse in readiness, and on particular and extraordinary occasions, which troop have heretofore usually attended the Governors of this Province, as the service of the country has required. *Be it further enacted* by the authority aforesaid, That the Governor, Lieutenant-Governor or President of this Province for the time being, shall be, and he is and they are hereby, authorized and empowered, from amongst the inhabitants of this Province who have sufficient substance to undergo the charge, and will voluntarily enter and enlist, to form a troop or troops of horse, not exceeding in the whole the number of two hundred men, and to appoint and commission proper officers to command such troop or troops, and to muster, train and exercise the said troop or troops, not less than four times in a year, at Charlestown, or such other place as the Governor, Lieutenant-Governor or President of this Province shall direct and appoint.

XIII. And *be it further enacted* by the authority aforesaid, That every person who shall enlist in the said troop or troops so to be formed, shall provide himself with a good and able horse, (his own property,) fourteen hands in height at least, and with such clothes, arms, ammunition and furniture, as the Colonel of such troop for the time being shall direct and appoint; and every person so enlisted in the said troop or troops, shall be excused and exempted from all service whatsoever in any other regiment, troop or company whatsoever, (the patrol duty excepted;) *provided,* no person whatsoever shall be admitted to enlist in the said troop or troops, unless he shall be first approved by the Colonel of the said troop or troops; and every person so enlisted shall obtain a certificate from the Colonel of the said troop or troops, specifying the time of his enlisting in the said troop or troops, which certificate the person so enlisted shall produce to the captain or commanding officer of the company of such parish or division where the person so enlisted shall live and reside; and until the person so enlisted shall have produced and shewn such certificate, he shall be liable and subject to all the penalties and forfeitures inflicted by this Act for not keeping arms, or not appearing at the musters, trainings and exercises directed by this Act. And the person so enlisted shall not be discharged from the same without giving three months notice, in writing, to the Colonel or other commanding officer of the said troop or troops, of his intent to be discharged, and shall produce a certificate, at the end of the said three months, to such commanding officer, that he is enlisted in the foot company of the parish or division where he resides; and upon such notice given and certificate produced, he shall be discharged from the said troop to which he belongs, and not otherwise.

XIV. And *be it further enacted* by the authority aforesaid, That in the time of any actual rebellion, insurrection or invasion, the said troop or troops shall attend the Governor, Lieutenant-Governor or President of this Province for the time being, in any part of this Province where the Governor, Lieutenant-Governor or President shall go or be in person; and in

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such times of rebellion, insurrection or invasion, shall march, ride, or go to any place within this Province where the said Governor, Lieutenant-Governor or President for the time being, shall judge their service shall or may be required; and shall, on all other occasions, attend the said Governor, Lieutenant-Governor or President, upon notice given in the public newspapers, or by being personally summoned by any person appointed for that purpose by the Colonel or other commanding officer of the troop or troops; and if any person enlisted in the said troops, or either of them, shall neglect or refuse to appear at the days and times appointed for muster, or upon due summon on other occasions, on such horses, and with such clothes, arms and other accoutrements as the Colonel of the said troops shall direct and appoint as aforesaid, every such person shall forfeit a sum not exceeding five pounds, current money, to be applied, recovered and disposed as is hereinafter directed.

XV. *And be it further enacted* by the authority aforesaid, That every able male person, from the age of sixteen to sixty years, who has once resided, and shall be within this Province for the space of three months, slaves excepted, is hereby declared to be liable to bear arms in the regiments, troops or companies in this Province, or some or one of them, according to the directions of this Act, except the several persons hereinafter particularly mentioned, who shall be excused and exempted from appearing at general and ordinary musters, at such times and in such manner as is hereafter mentioned and provided, that is to say:—all those persons who are or have been members of his Majesty's council, and their officers for the time being, the members of Assembly for the time being, and their officers, the chief justice and justices of the court of common pleas, the attornies of the said court, the clerk of the crown and peace, the provost marshal, the master and register of the high court of chancery for the time being, the judge of vice admiralty, the officers of his Majesty's customs, the surveyor-general of his Majesty's lands in this Province, the clergy, the public treasurer, powder receiver, comptroller, waiters, and commissary for the time being, his Majesty's justices of the peace, who shall actually qualify themselves and act as such, and no other, all non-commissioned colonels, lieutenant-colonels, majors and captains, in the several regiments, who have borne their several commissions for the space of ten years, or who shall have borne such commission, or any or all of them, successively, for the space of ten years in the whole, the pilots, and one person to attend each boat, and one white man to attend each ferry in this Province, and all white servants residing and employed without the limits of the parish of Saint Philip, Charlestown. *Provided*, that all the persons aforesaid, the members of his Majesty's honorable council, and of the Assembly and their officers, and the pilots and ferrymen only excepted, shall, in the time of rebellion, insurrection or actual invasion, attend under the proper colours of the company in the district in which such person shall actually live or reside, completely armed and furnished, as in this Act is directed for the foot soldiers, or shall attend the Governor, Lieutenant-Governor or President for the time being, with horse and arms, in the same manner as the troopers are hereinbefore directed, on pain of forfeiting the sum of one hundred pounds, current money.

Who exempt
from muster.

XVI. *And be it further enacted* by the authority aforesaid, That every master or other person who hath the power over, government or command of, any white apprentice or man servant, who shall be employed within the

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Apprentices
and servants,
to be armed by
their masters.

limits of Saint Philip's, Charlestown, shall, at his or their own proper costs and charges, furnish and provide every such apprentice or man servant, during his servitude, with the arms and furniture directed by this Act; and every master and other person as aforesaid shall constantly keep such arms and furniture as aforesaid, for every such apprentice or servant, and shall send him or them so completely armed and furnished as aforesaid, to all musters, trainings and exercise, directed by this Act; and in case such apprentice or servant shall not appear, or his arms and furniture shall be found deficient, the master or such other person as aforesaid, having the government of such apprentice or servant, shall, on default made in any of the premises, be subject to the same forfeitures and penalties as are inflicted on other persons made liable by this Act to appear and bear arms at exercises, musters and trainings. *Provided, always,* that if any such servant as aforesaid, who shall be duly furnished and provided as is hereinbefore directed, and shall be sent to muster by the master or other person under whose government such servant shall be, shall, of his own accord, and contrary to the will and without the consent of the master or such other person as aforesaid, neglect or refuse to appear at any muster, training or exercise appointed by this Act, the master or other person under whose government such servant may be, shall be liable to the penalties by this Act inflicted for the default of such servant; and every such servant so offending as aforesaid, shall be obliged to serve the said master two weeks for every penalty so paid by his master or other person as aforesaid; and if any servant shall embezzle, sell or make away with the arms so to be provided for him as aforesaid, he shall be liable to make his master, or other person under whose government such servant may be, full satisfaction.

XVII. *And be it further enacted* by the authority aforesaid, That every servant within the said limits of Saint Philip's, Charlestown, who shall be freed or discharged from his service, shall be allowed six months time after such discharge, to provide himself with the arms and furniture by this Act directed and required, and until the said six months shall be expired, shall be freed and exempted from the mulcts or penalties inflicted by this Act.

No process to
be served on
persons must-
ering.

XVIII. *And be it further enacted* by the authority aforesaid, That no civil officer whatsoever shall, on any pretence, execute any process, unless for treason, felony or breach of the peace, on any person whatsoever, at any muster or other time when such person shall be obliged to bear arms in pursuance of the direction of this Act, nor in going to or returning from any muster or place of rendezvous, or within twenty-four hours after such person shall be discharged from appearing in the regiment, company or troop to which he shall belong, under the penalty of twenty pounds, current money; and the service of such process on any such person, is hereby declared to be absolutely void, to all intents and purposes whatsoever; and all arms and furniture which are by this Act required to be provided by any person whatsoever, shall not be liable to be seized, distrained or taken in execution, for any cause, matter or thing whatsoever; and in case any person shall seize, levy or distrain upon any such arms or furniture, contrary to this Act, every such person shall forfeit the sum of twenty pounds, current money; to be sued for and recovered as is hereafter directed.

XIX. *And be it further enacted* by the authority aforesaid, That in case any person who shall be obliged to bear arms, whilst the regiment,

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troop or company to which he shall belong shall be under arms or in array, shall neglect or refuse to fire his gun, not exceeding six times each muster day, or shall wilfully neglect or refuse to do his duty, or to obey the other lawful commands of his officer, the majority of the officers of the troop or company to which such person belongs, if the offence shall be committed in a single troop or company, or any two field officers of the regiment to which such person shall belong; if the offence shall be committed in a regiment, shall have full power and authority to inflict on the person so offending, any pecuniary mulct, not exceeding five pounds, current money; and in case any person shall be disobedient or raise any mutiny or sedition in such regiment, troop, or company, under arms in array, such person shall be liable to a fine not exceeding ten pounds; and the said officers, respectively, over and besides such pecuniary mulct, may imprison or confine the offender, until such time as the regiment, troop or company to which the offender shall belong, shall be discharged from bearing arms on the occasion for which they shall be assembled: And in case such offender shall be a servant; and shall not, forthwith, pay such fine imposed as is last above said, the said officers, respectively, may inflict corporal punishment on such servant, by whipping, not exceeding twenty lashes.

Penalty for disobedience of orders, &c.

XX. *And be it further enacted* by the authority aforesaid; That in case any person obliged by this Act to bear arms, shall remove from one county, parish, division or place, to any other county, parish, division or place, it shall be lawful for the captain or commanding officer of the company to which such person last belonged, to levy the penalty inflicted by this Act for non-appearance at musters, or for not having or being provided with sufficient arms and furniture, in the same manner as if such person had not removed from the county, parish, division or place to which he belonged; until such time as the person so removing shall produce a certificate from the colonel or commanding officer of the troop, or from the captain or commanding officer of the company, of the parish or division into which such person shall remove, that such person is entered, enlisted and enrolled in the company of such captain or commanding officer of the parish or division to which such person is removed.

Persons removing from one district to another.

XXI. *And whereas*, to repel the invasion of any public enemy, and to suppress any dangerous insurrection or rebellion; it may be absolutely necessary to assemble and raise the greatest part of the militia of this Province. *Be it therefore enacted* by the authority aforesaid; That if the Governor, Lieutenant-Governor or President of this Province for the time being, shall receive advice from any person or persons in authority under his Majesty, his heirs or successors, or other credible person or persons in foreign parts; or if he shall receive any information, upon oath, from any credible person or persons within this Province, that any foreign enemy or armed force shall suddenly intend to invade this Province; or if any dangerous insurrection or rebellion shall be actually raised within this Province, which cannot be suppressed by one single company, it shall and may be lawful for the said Governor, Lieutenant-Governor or President for the time being; by and with the advice and consent of the Majority of his Majesty's Council for the time being, in this Province, to raise and assemble such and so many of the regiments, troops and companies by this Act directed to be formed, as the said Governor, Lieutenant-Governor or President, by and with the advice and consent aforesaid, shall think sufficient and able to suppress and repel such invasion, rebellion or insurrection, as may happen or be; and

In case of invasion the militia, how to be assembled.

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for the more effectual execution thereof, it shall and may be lawful for the said Governor, Lieutenant-Governor or President of this Province for the time being, by and with the advice and consent aforesaid, to make and publish, or cause to be made and published, an alarm, throughout the whole Province, by firing six guns, two at a time, at three minutes distance, or by orders and expresses to the field officers, or other officers of the militia, to raise their several and respective regiments, troops or companies, or such part of them as shall be ordered and directed, to march and rendezvous at such proper times and places within this Province, as the said Governor, Lieutenant-Governor or President for the time being, shall think fit. And the said alarm shall be carried on throughout the whole Province by all the commissioned officers in the militia, by firing three small arms at convenient intervals, from place to place, and by speedy raising of their several companies, and taking all other proper and effectual measures to give notice of the motion of the enemy, and forwarding, with the utmost expedition, all necessary information to the Governor, Lieutenant-Governor or President for the time being, and by putting in execution all such orders as they shall receive from their respective superior officers.

Alarms.

XXII. *And he it further enacted* by the authority aforesaid, That an alarm shall be made by any commissioned militia officer, by firing three small arms, on sight of any enemy, or on information of any enemy appearing or mischief done by an enemy, from any white man of credit who hath seen the same, of the credit of which informer the said officer shall be a judge; and every alarm shall be carried on by all persons hearing or having knowledge of the same, by firing three small arms, distinctly, as usual; and the said officer who hath fired the alarm shall raise the company of which he is an officer, by beat of drum, or by ordering men to warn their next neighbors, till the company can be got together; and also, the commanding officer of the said company shall, with all convenient speed, dispatch two expresses, one to the Governor, Lieutenant-Governor or President for the time being, and the other to the next field officer of the regiment to which the said company belongs, with an account of the cause of the alarm so made; upon which notice, the said field officer shall have power to raise any number of men of the regiment he belongs to, to march to the assistance of the inhabitants of this Province who are in danger.

Penalty for neglect in time of alarm.

XXIII. *And he it further enacted* by the authority aforesaid, That if any person whatsoever, who by this Act is liable to bear arms, shall, in time of such alarms, neglect or refuse to use his uttermost means and endeavors to convey and communicate the said alarm or notice of the enemy's approach, every such person shall forfeit and pay the sum of fifty pounds, current money. And in case any such person, after he hath notice of an alarm, does not, forthwith, repair completely armed and accoutred as aforesaid, with all convenient speed, to the place where the regiment, troop or company to which he shall belong shall be appointed to rendezvous, every such person shall forfeit one hundred pounds, current money; and in case the company or troop to which such person shall belong, shall actually engage and fight with the enemy before such person shall appear in the said regiment, troop or company, in every such case, the person not appearing as aforesaid, shall forfeit two hundred pounds, current money.

XXIV. *And whereas*, several parts of this Province, lying on the sea coasts, are exposed to the depredations of pirates and sea rovers; and many inland places are in danger of incursions from Indians, and are frequently infested with fugitive and revolted slaves, whose sudden attempts

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may prove fatal to many of his Majesty's subjects, before notice can be given to his Majesty's Governor; therefore, for the more effectual preventing, repelling and suppressing such sort of mischiefs, *Be it enacted* by the authority aforesaid, That it shall and may be lawful for every commissioned officer in the militia, when occasion shall require, to assemble, arm and raise any number of men belonging to their respective companies, for which they shall be commissioned and appointed, and if need be, to give notice and call to their aid the officers and men of any adjacent company, to disperse, suppress, kill, destroy, apprehend, take or subdue, any pirate, sea rover, Indian or other enemy, who shall, in a hostile manner, hurt, or attempt to hurt, any of his Majesty's subjects, in their persons or possessions, or any company of slaves who shall be met together, or who shall be lurking in any suspected places where they may do mischief, or who shall have absented themselves from the service of their owners; and in case any person whatsoever, who by this Act is liable to bear arms, shall neglect or refuse to appear, upon notice given by any commissioned officer of the troop or company to which such person belongs, or appearing, shall not attend and obey the said officer, completely armed and furnished, according to the directions of this Act, every such person, for every such neglect or refusal, shall forfeit the sum of ten pounds, current money.

Pirates, Indians, &c. how to be repelled.

XXV. And *whereas*, in time of invasion, if the militia of the whole Province were to be assembled, great dangers might arise from the insurrections or other wicked attempts of slaves; for the prevention thereof, *Be it further enacted* by the authority aforesaid, That in time of invasion or insurrection, and when it shall be found necessary to march the several regiments, troops or companies, or any of them, out of their proper counties, parishes or divisions, one fourth part, at least, of every company in this Province, shall stay and remain in the respective parishes and divisions to which they belong, and shall be formed into patrols, under the command of such officers as the commissioned officers of the company shall direct and appoint, until the Governor, Lieutenant-Governor or President, shall commission and appoint a commander or officer for each of such patrols, under whose command, respectively, they shall continue, until the rest of the company shall return to their habitations, and shall be discharged from bearing arms. And the patrol so formed shall be obliged to be on constant duty, and to ride, and patrol, and guard the plantations, and to keep the slaves within their several parishes and divisions, in good order; and shall place proper guards, watches and centinels, at proper and convenient places, to give notice of danger, or for the more speedy conveying advices and intelligence to the Governor, Lieutenant-Governor or President of this Province, or any army which shall be raised and assembled by his command. And in case any person or persons whatever, who shall stay and remain as aforesaid, in any of the parishes or divisions to which he or they may belong, shall neglect or refuse to ride patrol, or to watch, stand centinel, or keep guard, or do any other duty hereby enjoined or required, or shall refuse to obey the lawful commands of any person who shall be appointed to command such patrol, every person so offending shall forfeit any sum not exceeding one hundred pounds, current money.

l'atrols.

XXVI. And that no unequal burthen may be laid on the inhabitants of this Province, *Be it further enacted* by the authority aforesaid, That in all times of invasion, rebellion or insurrection, when any person shall receive orders to march out of their county, parish or division, the captain or other commanding officer who shall be present, shall cause the names of all the

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Lists of names
to be drawn.

persons who are entered, enlisted and enrolled in the muster roll of such company, (officers excepted,) to be wrote down on small scrolls of paper, which shall be folded up and put into a hat, and shall be shaken together, and the clerk or sergeant of the said company shall draw out of the hat the names of so many persons as will not exceed three-fourth parts of the said company; and the persons whose names shall be so drawn, shall be obliged to march according to such orders as shall be given by the Governor, Lieutenant-Governor or President, and according to the directions of this Act; and the rest, whose names shall be left in the hat, shall stay in their respective parishes and divisions, and shall do the duty of the patrol hereby directed to be performed. *Provided, always,* that no officer of any company shall be excused from marching with the company for which he is appointed, unless by particular orders from the Governor, Lieutenant-Governor or President it shall be directed otherwise; in which case such officer so directed to stay, shall be the commanding officer of that part of the company which shall be so left in their several districts. *Provided also,* that if any person whose name shall be drawn as aforesaid, and who shall thereby be obliged to march out of his parish or division, can provide an able man (to be approved by the majority of the officers of the company to which such person belongs,) completely armed and furnished according to the directions of this Act, every such person shall be permitted and at liberty so to do; and upon producing and sending out such able man in his stead, shall be excused from going out or marching in person. *Provided also,* that the person who provides and sends another person in his stead, shall be still obliged to serve in the patrol to be formed according to the directions of this Act; and shall be subject to all the penalties and forfeitures by this Act inflicted on such as shall be guilty of disobedience, or shall neglect or refuse to ride in such patrol; anything herein contained to the contrary thereof in any wise notwithstanding.

Power of im-
pressment.

XXVII. *And be it further enacted* by the authority aforesaid, That in the time of any alarm made upon any insurrection, rebellion or invasion, all field officers and captains of every company be, and they are hereby, empowered, by themselves, or their warrant to any inferior officer or soldier, to impress any provisions, horses, boats, canoes, pettiaugers and vessels with their furniture, or whatever other things they shall want or have need of for the service of this Province. *Provided always,* that all provisions, horses, boats, canoes, pettiaugers and vessels, and whatever other things impressed as aforesaid, by the proper officer hereby impowered, be by the said officer brought before three or more indifferent persons, being freeholders, and having judgment in the respective things so impressed and brought before them, to be appraised and valued before it be disposed of for the service of this Province; and that when the same shall be so valued and appraised, the said officer do give a receipt under his hand for the same, to the owner thereof, if he conveniently can; and the commanding officer or captain of each company do cause his or their clerk or clerks to enter the same in a book to be kept for that purpose; and that the said appraisers shall appraise and ascertain any loss or damage that may happen to befall the said effects so impressed for the service aforesaid, or allow a competent hire for the same, when returned to the said owners, as the case shall require, and the same to be given under the hands of the appraisers, to the owner or owners thereof, directed to the public treasurer, who is hereby ordered to pay the same; and also, that such commanding officer or captain of each company, after such alarm shall be

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over, and before his or their company or companies shall be discharged, do order so many men as he or they shall think fit, to carry such horses, boats, canoes, petiaugers and vessels, or whatever other things they shall have impressed, to the respective owners from whom they were taken, the owners giving their receipt upon the re-delivery of the same; and the said commanding officer or captain of each company, and each and every of them, are hereby empowered to draw an order on the public treasurer, payable to the persons aforesaid, for so much money as he or they shall think the said persons, for carrying home any of the things hereinbefore mentioned, deserve; and the public treasurer is hereby ordered to pay the same.

XXVIII. *And be it further enacted* by the authority aforesaid, That the commanding officer or captain of each company do lodge in some convenient and secure place, for the public use, all the provisions and ammunition impressed by him or them, or by virtue of his or their warrant or order, and that shall remain unexpended after an alarm, and that he take a particular account thereof.

XXIX. *And be it further enacted* by the authority aforesaid, That if any officer of the militia, or other person whatsoever, who by this Act shall be obliged to bear arms, shall knowingly or wilfully, in time of rebellion, insurrection or invasion, offend in anything against this Act, or shall neglect or refuse to do, execute or perform any act, matter or thing which by this Act is required, directed, prescribed or enjoined by him or them to be done, executed or performed, for which no particular penalty is hereby inflicted, then every such person so offending, neglecting or refusing as aforesaid, shall incur, forfeit and pay the several mulets, penalties and forfeitures following, that is to say:—if such person so offending, refusing or neglecting as aforesaid, shall be a commissioned officer of the militia, above the degree of a captain, the several persons hereby empowered to hear and determine offences committed against this Act, shall and may, and they are hereby authorized and empowered to, inflict on such person a pecuniary mulct or fine, not exceeding the sum of five hundred pounds, current money; and in case the person offending shall be a captain, or any inferior commissioned officer under the degree of a captain in the militia, a pecuniary mulct or fine shall be inflicted as aforesaid, not exceeding the sum of three hundred pounds, current money; and if any non-commissioned officer of the respective troops or companies, or any private person who is obliged to bear arms, shall offend as aforesaid in any thing against this Act, there shall be inflicted as aforesaid a mulct or fine not exceeding the sum of one hundred pounds, current money; but if the person so offending shall be an indented servant, and hath no goods to be levied on, and shall neglect or refuse to pay the mulct or fine which shall be inflicted as aforesaid, for the space of ten days, he shall receive corporal punishment, not exceeding forty lashes, with a whip or switch, on the bare back.

Fines for offences against this Act.

XXX. *And be it further enacted* by the authority aforesaid, That the captains of each company shall have power to appoint any two persons within their respective companies, who are obliged to appear at common musters, as they shall think fit, to be sergeants of the said companies, who shall be obliged to act and continue such for the term of one year; and if any person, after he is so appointed, shall refuse or neglect to act and perform their duty as sergeant in the said companies, respectively, the person so refusing to take the office upon him, or neglecting his duty

Sergeants.

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afterwards, shall, for every offence, forfeit the sum of ten pounds, current money; to be recovered and levied as other fines in this Act are directed. *Provided, always,* that no person shall be subject to such fine for not taking the said office upon him more than once in seven years.

Offenders, how
to be tried.

XXXI. *And be it further enacted* by the authority aforesaid, That all offences against this Act shall be examined, heard, tried, adjudged and determined, in manner following, that is to say:—all offences committed by any field officer, shall be heard, tried and determined by the Governor of this Province for the time being, and the majority of his Majesty's Honorable Council, residing in the Province; and all offences committed by any captain or inferior commissioned officer, shall be heard, tried and determined by a majority of the field officers of the regiment or troop to which such captain or inferior officer shall belong; and all offences committed by any non-commissioned officer, or private person who is by this Act obliged to bear arms, shall be heard, tried, adjudged and determined before the majority of the commissioned officers of the troop or company to which such person shall belong, at such time or times as the said officers shall think fit to assemble and meet together; and the said commissioned officers of the said troop or company, or a majority of them, shall proceed against such offender and offenders so summoned, in the most expeditious and summary way, without observing formalities of law, only examining into the truth of the case by the examination of witnesses, upon oath, and such other evidences as can be speedily had; and upon conviction of any offender, the said Governor and Council, or field officers, or commissioned officers, respectively, are fully authorized and empowered to levy the mulcts or penalties inflicted, by warrant of distress, and sale of the offender's goods, returning the overplus, if any there be; but in case the offender shall refuse to produce goods, then, by warrant, to commit the offenders to the common goal in Charlestown; which warrant shall be in the words following, that is to say:

SOUTH CAROLINA,

By ——— commission officers of the ——— company of foot in ——— parish, commanded by ———.

TO THE SERGEANTS OF THE SAID COMPANY, AND TO THE KEEPER OF THE COMMON GOAL IN CHARLESTOWN.

Whereas, A B, a person enlisted and liable to bear arms in the said company for ———, it is by us duly adjudged that he, the said A B, has forfeited, for the offence aforesaid, the sum of ———, current money, which sum the said A B has neglected to pay by the space of ten days next after the adjudication. These are, therefore, in his Majesty's name, to charge and command you, and each of you, forthwith to apprehend the body of the said A B, and him safely convey to the common goal in Charlestown, and that you deliver him to the keeper of the said goal, together with this warrant, commanding you, the said keeper, to receive the body of the said A B, and detain him in your custody, without bail or mainprize, until he shall pay and discharge the fine aforesaid, together with all costs and expenses attending the execution hereof, and the charge of his detainer in custody—hereof fail not.

If the warrant be against the goods of offenders, &c., then after the within recital of the procedure, say:

These are, therefore, in his Majesty's name, to command and require you, and each of you, that you levy and cause to be made, of the goods and chattels of the said A B. the said sum of ———, and the same goods you

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expose to sale, and sell at public outcry, first giving three days notice of such sale; and out of the monies therefrom arising, you are first to deduct and keep the said sum of ———, and all reasonable charges and expenses, and the overplus, if any there be, you shall return or tender to the said A B; and this shall be your warrant.

And in case it shall so happen, that if any person or persons against whose body such warrant shall be granted as aforesaid, shall be refractory, and refuse to give obedience thereunto, the marshals or sergeants aforesaid, or other person or persons to whom such warrant shall be directed, are hereby empowered, by forcible means, to compel such offender to the common goal, and all the charges and expenses which shall attend the execution of the warrant of commitment aforesaid, shall be taxed and ascertained by any justice of the peace in Charlestown, who is hereby required to do the same without fee or reward; and such taxation shall be delivered to the keeper of the said goal, together with the said warrant, and such offender shall remain in prison, without bail or mainprize, until the said fine or mulct, and the charges and expenses so taxed, shall be fully paid and satisfied.

XXXII. And *whereas*, it has been heretofore found difficult personally to summon defaulters in the parish of St. Philip, Charlestown. *Be it therefore enacted* by the authority aforesaid, That the sergeants of the several companies in the said parish only, shall leave the following notice at the respective places of abode of such offenders, and the same shall be deemed, to all intents and purposes, equal to a personal service. Form of summons.

“ You, A B, are hereby summoned to be and appear before the commissioned officers of the company in which you are enrolled, commanded by ———, on ——— next, at the house of ———, to shew cause, if any you have, why you should not be fined; (here insert the offence,) of this fail not, at your peril.”

XXXIII. And *be it further enacted* by the authority aforesaid, That all fines of the common men for non-appearance at general musters, shall be paid and applied to the use of the respective sergeants of the companies in which any neglect of appearance at general musters shall happen; and also all other fines, mulcts, penalties and forfeitures which shall be inflicted, levied or recovered, by virtue of this Act, shall be applied and disposed as follows, that is to say:—all fines and penalties, not exceeding three pounds, current money, in the foot service, shall be paid and applied to the use of the sergeants; and all fines not exceeding five pounds, current money, incurred by any person in the troop or troops, to the marshal of the respective company or troop to which the person on whom the fine or fines shall be inflicted doth belong; and all fines and penalties exceeding the said sum of three pounds and five pounds, current money, respectively, shall be and enure to the use of his Majesty, to be applied to the maintaining and keeping in repair the public arms of this Province, to be paid in to the public treasurer, to be issued by the direction of the General Assembly. Fines, how to be applied.

XXXIV. And *be it further enacted* by the authority aforesaid, That the marshal of each respective troop for the time being, shall be, and is hereby, authorized and required to execute, or cause execution to be done, of all warrants, orders and receipts which shall be issued by the Governor and his Majesty's Council, for the recovering the penalties, mulcts and forfeitures inflicted by this Act; and the marshal of each respective troop, and the sergeant or sergeants of the respective companies, shall respec- Warrants, how to be executed.

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tively, execute, or cause execution to be done, of all other warrants and precepts issued for the purposes aforesaid. *Provided, nevertheless,* that no execution against the body or goods of any offender, shall be issued till such person against whom the adjudication as aforesaid shall be made, have refused or neglected to pay their respective fines as aforesaid, by the space of ten days next after such adjudication; anything hereinbefore contained to the contrary notwithstanding.

XXXV. *And be it further enacted* by the authority aforesaid, That in case any person who shall be duly nominated and appointed marshal of a troop, or sergeant of a company, shall, after notice of such nomination or appointment, refuse or neglect to execute any warrant or precept issued in pursuance of the direction of this Act, and to him or them directed, for the space of twenty days after the receipt of the same, the said marshal or sergeant shall, respectively, forfeit for each offence, the sum of ten pounds, current money, to be recovered and disposed of as aforesaid.

XXXVI. *And be it further enacted* by the authority aforesaid, That in case any male person who has been in this Province for the space of three months, shall settle himself and reside in any extra parochial place, or any part of the Province where the bounds of the counties or parishes are not certainly known or ascertained, every such person shall be entered, enlisted and enrolled in the company of the parish or division which is nearest to the residence or habitation of such person, and such person shall be deemed and adjudged as belonging to such nearest company, to all intents and purposes whatsoever.

XXXVII. *And whereas,* it hath been found by experience that several negroes and other slaves have, in times of war, behaved themselves with great faithfulness and courage, in repelling the attacks of his Majesty's enemies, in their descents on this Province, and have thereby demonstrated, that trust and confidence may in some instances be reposed in them. *And whereas,* it is necessary that the male slaves in this Province should be rendered as serviceable as possible in times of war or the invasion of a foreign enemy: for the better effecting thereof, *Be it further enacted,* by the authority aforesaid, That every master, mistress, owner, manager, attorney or trustee of or for any slaves in this Province, shall, within six months next after the passing of this Act, return to the captain or commanding officer of the respective companies of the militia, in whose beat or precinct such slaves do live or reside or are commonly used or employed, a true and faithful list in writing, of all the male slaves of such person, or which are under their care or management, from the age of sixteen to the age of sixty years, and shall therein specify the names, ages and country of such slaves respectively, according to the best of the knowledge and belief of the person returning the same as aforesaid; and to the end that the number of able male slaves may be constantly known, the said list shall be renewed and returned as aforesaid, by the respective persons as aforesaid, once in every year, on the first muster day after the twenty-fifth day of March; and such lists shall be returned by the respective captains to their respective Colonels, and by them to the Governor, Lieutenant Governor or President, within two months after the same shall be given to the said captains respectively.

XXXVIII. *And be it further enacted* by the authority aforesaid, That the Governor, Lieutenant Governor or President of his Majesty's Council in this Province for the time being, be, and they are hereby, authorized and empowered to direct and order the several captains of the companies of the militia of this Province, from time to time, to enlist in their respective

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companies, such and so many of the said male slaves so to be returned to them as aforesaid, and which shall be recommended to such captains by the respective owners or managers of such slaves to be most faithful and fit for service, as the said Governor, Lieutenant Governor or President, by and with the advice of his Majesty's honorable Council for the time being, shall in their discretion think necessary for the service and defence of this Province. *Provided, always,* That the said number of slaves so to be enlisted in the several companies without the limits of the parish of St. Philip, Charlestown, do not exceed in the whole the number of one third of the white men in each respective company; and that the number of slaves so to be enlisted in the companies within the limits of the said parish of St. Philip, Charlestown, do not exceed one half part of the number of slaves returned within the said parish, proportioned as aforesaid.

XXXIX. *And be it further enacted* by the authority aforesaid, That the said slaves so to be enlisted as aforesaid, shall be incorporated into the respective companies in which they are enlisted, and shall be taken as part thereof, and shall in time of general alarm and actual invasion of this Province, and not otherwise, be armed by the respective owners or managers of such slaves, with one sufficient gun, one hatchet, powder-horn and shot-pouch, with ammunition of powder and bullets for twenty rounds, and six spare flints, and shall be sent by their respective owners or managers to the place of rendezvous of the respective companies in which they are enlisted; and which said slaves shall be then and there commanded and directed for the service of this Province, by the captain or other commanding officer of the company, during all such times as the said companies shall be upon actual duty or continue under arms; and instead of a pecuniary fine, such slaves, for breach or neglect of duty, shall be subject to such corporal punishment for their offences during such time, as the majority of the commissioned officers of the respective companies shall think fit to inflict, not extending to loss of life or member.

And to serve in
time of invasion,
&c.

XL. *And whereas,* it will be extremely difficult, if not impossible, so to proportion the number of the said slaves to be enlisted as aforesaid, on every particular owner of slaves in this Province, so as to make the same an equal burthen on all the owners: *And whereas,* it is not just that any of the members of the community should bear more than their true proportion of the hazard or expence in the defence of this Province; therefore, for the more equal settling the same, *Be it further enacted* by the authority aforesaid, That the several owners of the said slaves so to be enlisted as aforesaid, shall be paid out of the public treasury of this Province, for the time such slaves shall be in the public service of this Province as aforesaid, after the rate of seven shillings and six pence per day for each slave. And in case it shall so happen that any slave so enlisted as aforesaid shall be killed in the service of this Province, the owner of such slave shall be paid the full value of such slave, out of the public treasury of this Province; and in case any slave in the service aforesaid shall be only maimed and disabled, the owner shall be likewise paid out of the public treasury the full value of his loss sustained thereby; and to the intent that such valuation may be justly and indifferently set and made between the public and the owner of the slave, the same shall be made by any three freeholders in this Province, the one to be named by the captain or other commanding officer of the company in which such slave is enlisted, another by the owner or manager of such slave, and the third by the joint nomination of the two

Their pay.

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first freeholders named as aforesaid, and the valuation to be set or fixed by any two of the said three freeholders, and certified under their hands, shall be determinate and conclusive between the public and the respective owners.

Reward for
meritorious
conduct in bat-
tle.

XLI. And *whereas*, it is necessary that all due and fitting encouragement should be given to such poor and indigent free men and servants, and also to slaves, who shall behave themselves manfully in fight against the enemy in defence of this Province; *Be it further enacted* by the authority aforesaid, That every poor free man or white servant, who shall boldly and cheerfully oppose the common enemy, and shall in fight happen to be maimed or disabled from labour, every such poor free man or servant, upon obtaining a certificate thereof from the majority of the field officers of the regiment or troop to which such person belongs, under their hands and seals, shall from thenceforth be entitled unto, and shall yearly and every year receive out of the public treasury of this Province, during the life or abode of such person in this Province, the sum of twelve pounds proclamation money; but if such free man so maimed and disabled, shall be a married man, then he shall be entitled to and receive out of the public treasury, during his life and abode in this Province, the sum of eighteen pounds, proclamation money, yearly; and if it shall so happen that any poor free man that is a married man as aforesaid, or hath any child or children under the age of twelve years, shall so happen to lose his life in the service aforesaid, that then the widow of such poor free man shall thenceforth during her widowhood and residence in this Province, or the children of such poor free man, (where there is no widow) under the age aforesaid, until they attain the said age, shall be entitled to and receive out of the public treasury of this Province, the sum of twelve pounds, proclamation money, yearly; and the field-officers and any two captains in the regiment to which such person belongs, associating themselves together, and certifying the same under their hands, are hereby declared to be proper judges of the poverty or indigence of every person so maimed and disabled, or killed, so as to entitle them or their widows and children, respectively, to the respective bounties or allowances as aforesaid; and every white servant in the said companies, and also every negro or other slave so enlisted as aforesaid, who shall actually engage the enemy in times of invasion of this Province, and shall courageously behave themselves in battle, so as to kill any one of the enemy, or take a prisoner alive, or shall take any of their colours, every such white servant and slave shall, upon due proof thereof, either by certificate of a field officer, or captain of any company, under his hand, who shall happen personally to see the action, or shall be informed thereof by the oaths of two creditable white persons, shall be, and he is hereby declared to be, from thenceforth free and absolutely discharged from all slavery and service whatsoever; and the owner or owners of such white servant and slaves so declared to be free, shall be satisfied for the full value of such white servants and slaves out of the public treasury of this Province, such valuation to be made and set in the same manner as is herein before directed for the valuation of slaves killed in the service; but in case any such enlisted slaves shall manfully behave themselves in fight with the enemy, but shall not have such success as to kill or take any enemy or any of their colours, but who shall yet remarkably behave him or themselves in the engagement so as to deserve public notice, every such slave, upon obtaining a certificate thereof, under the hand of any field

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officer, who shall certify such action, either from their own personal knowledge, or upon the oaths of any two creditable white servants, shall be entitled to and receive from the public treasurer, yearly, and every year, a livery coat and pair of breeches made of good red negro cloth, turned up with blue, and a black hat and a pair of black shoes, and shall that day in every year during their lives on which such action shall be performed, be freed and exempted from all personal labor and service to their owner or manager.

XLII. And to the intent that the encouragements herein before mentioned to be given to poor free men, servants and slaves, to behave themselves faithfully and courageously in the service of this Province, in times of war or invasion, may be more publicly known, *Be it further enacted* by the authority aforesaid, That the clauses in this Act relating to such encouragement, together with this clause, shall be publicly read by the respective captains of each company of the militia of this Province, at the head of their companies, on the next muster day of their respective companies, after the twenty-fifth day of December next after the passing of this Act; and every captain that shall neglect to publish the same as aforesaid, shall forfeit and pay the sum of ten pounds, current money, to be recovered by the church wardens of the respective parishes where such omission shall be made, by warrant under the hand and seal of any justice of the peace in the said parishes, and such forfeiture shall be applied by the said church wardens respectively to the use of the poor of the parish in which such offence is committed.

XLIII. *And be it further enacted* by the authority aforesaid, That every master, mistress, owner, manager, attorney or trustee of or for any slave or slaves as aforesaid, who shall refuse or neglect to make out and give in, and from time to time to renew, a list of their several male slaves, as aforesaid is directed, every such owner and manager shall, for every such refusal or neglect, forfeit and pay any sum not exceeding twenty pounds, current money; and every such owner or manager, residing where such slaves are employed, who shall refuse or neglect to send or bring his said slaves that shall be enlisted in the militia as aforesaid, at all times of alarm and invasion, to the place of rendezvous of the respective companies in which such slaves shall be so enlisted, after such owner or manager hath had notice of such slaves being enlisted in the said companies, from the captains of such companies, every such owner and manager shall respectively, for every such refusal or neglect, for every such slave so enlisted, forfeit and pay the sum of one hundred pounds, current money; which said forfeitures shall be recovered by a warrant under the hands of a majority of the field-officers of the regiment to which such persons belong, and be paid and applied to such uses as the General Assembly shall direct and appoint.

Penalty on
owner of slaves
for neglect.

XLIV. And *whereas*, there hath been lately erected and put into good order, for the better defence of the said Province, two batteries or bastions, the one called Broughton's battery, on the White Point, at the South end of Charlestown, in the said Province, and the other Craven's bastion, at the North end of the said town, on which several cannon have been mounted. And *whereas*, it is necessary that two master-gunners be appointed for the same, to take care of the cannon and other warlike stores that are and may be lodged in the said batteries, respectively, that the same may be always in order and readiness, upon all occasions. *Be it further enacted* by the authority aforesaid, That one master gunner for each of

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Gunnery to be appointed.

the said batteries, shall be nominated and appointed by the Governor, Lieutenant-Governor or President for the time being, who shall constantly live and reside in the said batteries, respectively, and have the use of the houses therein erected, and shall be obliged, for the salaries or allowances to be from time to time provided by the General Assembly of this Province, to observe and perform the duties of master gunners, respectively, of the said batteries, and shall be, and are hereby, obliged to take care of and keep in good order all the warlike stores in the said batteries, respectively, in such sort and manner as the same at all times may be fit and ready for service, upon pain of forfeiting their pay, which shall be due at any time when any neglect or omission of their duties shall be known or discovered. And *whereas*, the captain or master gunner of Granville's bastion, who will also have under his care and direction the cannon mounted and to be mounted on the Curtain Line, on the Bay of Charlestown, the said captain or master gunner of Granville's bastion and the Curtain Line aforesaid, shall have an allowance or salary of two hundred pounds, current money, per annum, and shall be held and obliged to take care and keep in good order, at all times, fit and ready for service, all the warlike stores in Granville's bastion aforesaid, and on the said Curtain Line, or that shall be necessary to be employed in the use of the cannon there, upon pain of forfeiting his pay for every omission or neglect aforesaid;

Fortifications to be inspected,

XLV. And to the end that this part of this Act may be more particularly observed, *Be it further enacted* by the authority aforesaid, That the commissioners of the fortifications for the time being, or a majority of them, are hereby authorized and empowered, from time to time, and at all such times as they shall think fitting, to repair to and view the cannon and other warlike stores kept in or for the use of the said batteries and bastions, and curtain line, respectively, and to inspect and see whether the same are kept in such good and sufficient order, according to the true intent and meaning of this Act, as they ought to be, and upon any omission or neglect of duty of the said master gunners, respectively, to certify the same under their hands, to the Governor, Lieutenant-Governor or President for the time being, in order to such master gunners being removed from their respective trusts and employments; and from the date of such certificates, the salaries of such master gunners, respectively, shall be stopped.

Certain companies to be exercised in the use of cannon.

XLVI. And that the inhabitants of St. Philip, Charlestown, and James Island, may be the better trained and exercised in the use of great guns, *Be it enacted* by the authority aforesaid, That the several companies of the regiment of St. Philip, Charlestown, and James Island company, respectively, shall, once in every six months, on a muster day, by their respective officers, be trained and exercised in the use of the cannon or great guns; the regiment of Charlestown in the said batteries, respectively, and James Island company at fort Johnston; and the several men in or belonging to the said companies, respectively, as well on such training and exercising days as at all other times when the said companies shall be lawfully commanded to rendezvous at such batteries and at fort Johnston, shall be, and they are hereby obliged to be, obedient to all the lawful commands of their respective officers therein, upon pain of incurring the same penalties as are by this Act inflicted in other cases for breach or neglect of duty when such companies are under arms.

XLVII. *And be it further enacted* by the authority aforesaid, That if any person or persons whatsoever shall be sued, impleaded, molested or

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prosecuted for any matter, cause or thing whatsoever, done or executed, or caused to be done and executed, by virtue of or in pursuance of this Act, and all and every person or persons who shall or may, by the command, or in aid or assistance of any person who shall do or execute, or cause to be done and executed, any matter or thing, by virtue of or in pursuance of this Act, shall and may plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or prosecutor shall suffer a discontinuance, enter a *noli prosequi*, suffer a nonsuit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, or for whom judgment shall pass, his full double costs of suit, for which any court in this Province where such prosecution shall be brought, are hereby fully authorized and empowered to give judgment and award execution accordingly.

XLVIII. *And be it further enacted* by the authority aforesaid, That one Act of the General Assembly of this Province, entitled "An Act for the better regulating the militia," passed the eleventh day of March, one thousand seven hundred and thirty-seven; and one other Act, entitled "An additional and explanatory Act to an Act for the better regulating the militia of this Province," passed the third day of April, one thousand seven hundred and thirty-nine; and one other Act, entitled "An Act for the further security and better defence of this Province," passed the eighteenth day of September, one thousand seven hundred and thirty-eight, be, and they and every of them are hereby, repealed, annulled and made void, to all intents and purposes whatsoever; anything in the said Acts, or either of them, or in any other Act, contained, notwithstanding.

Former Acts repealed.

XLIX. *And be it further enacted* by the authority aforesaid, That this Act shall be and continue in force for and during the space of five years, and from thence to the end of the next sessions of the General Assembly, and no longer.

HENRY MIDDLETON, *Speaker.**In the Council Chamber, the 13th day of June, 1747.**Assented to:* JAMES GLEN.

Continued by Act of 1753 for two years; and revived and continued for five years by Act of 1759. Expired.

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No. 894. AN ACT FOR ESTABLISHING AND REGULATING THE ARTILLERY COMPANY WHICH WAS FORMED OUT OF THE MILITIA IN CHARLESTOWN.

Preamble. WHEREAS, an artillery company hath been formed out of the militia in Charlestown, that hath taken much pains in learning the exercise of artillery, which laudable undertaking may be of great service in the defence of this Province; but as no provision is made by law for establishing and regulating the said company, disputes may not only arise with respect to their being subject and liable to do duty in the Charlestown regiment of militia, but the officers are not empowered to assemble, exercise, train and discipline the men belonging to the said artillery company, and to mulct them for disobedience and neglect of duty, as the other officers of the militia are empowered to do by the Act for the better regulating the militia of this Province. We therefore humbly pray your most sacred Majesty that it may be enacted, and

Artillery company established.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, now met in General Assembly, and by the authority of the same, That the artillery company formed out of the militia in Charlestown, consisting or to consist of a captain, captain-lieutenant, a first and a second lieutenant, three lieutenant fire-workers, four sergeants, and not exceeding one hundred private men, (to be classed and distinguished by bombardiers, gunners and matrosses, in such numbers, and to serve by rotation, in such manner as the captain of the said company shall direct,) which said company shall be, and is hereby established and declared to be, a separate and distinct company; anything contained in the Act entitled "An Act for the better regulating the militia of this Province," made in the twenty-first year of his present Majesty's reign, to the contrary thereof in any wise notwithstanding.

Regulations.

II. *And be it further enacted* by the authority aforesaid, That every person, as well those already commissioned or enlisted, as those who shall hereafter be commissioned or enlisted, in the said artillery company, shall provide himself with such clothes, arms, ammunition and accoutrements as the captain of the said company for the time being shall direct and appoint. And every person belonging to the said artillery company, shall be excused and exempted from all service whatever in any regiment, troop or other company whatsoever, the patrol duty excepted. *Provided*, that no person whosoever shall be admitted to enlist in the said artillery company, unless he shall be first approved by the captain of the said company. And every person so enlisted shall obtain a certificate from the captain of the said company, specifying the time of his enlisting in the said company, which certificate the person so enlisted shall produce to the captain or commanding officer of the company of militia in the parish or division where the person so enlisted shall live or reside. And until such person so enlisted shall have produced and shewn such certificate, he shall be subject and liable to all the penalties and forfeitures inflicted by the Act aforesaid, for not keeping arms, or not appearing at the musters, trainings and exercises by the said Act directed and appointed. And no person enlisted or to be enlisted in the said artillery company, shall be discharged from the same, without giving three months notice, in writing, to the captain of the said company, of his intent to be discharged, and shall produce a certificate at the end of the said three months, to the captain of the said

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artillery company, that he is enlisted in some other company; and upon such notice given and certificate produced as aforesaid, he shall be discharged from the said artillery company, and not otherwise.

III. *And be it also enacted* by the authority aforesaid, That it shall be lawful for the captain, and in his absence, for the next commanding officer of the said artillery company, to assemble, muster, train and exercise the said company, as well in the use of the firelock as of the artillery, at any time or times throughout the year, giving notice of such muster or training by beat of drum, or in such other expeditious manner as such captain or next commanding officer as aforesaid, shall think fit. *Provided, always,* that the said company shall not be obliged to meet at any such musters or trainings oftener than twelve nor less than eight times a year. Musters.

IV. *And be it likewise enacted* by the authority aforesaid, That in case any person belonging to the said artillery company shall neglect or refuse to appear at any muster or training of the said company, with such arms, ammunition, clothes and accoutrements as shall be directed and appointed by the captain of the said company as aforesaid, every such person shall forfeit and pay a sum not exceeding three pounds, current money, which forfeiture shall and may be recovered in the same way and manner as the fine imposed in the like case is appointed to be recovered by the said Act for the better regulating of the militia, and shall be applied and disposed of in such manner as the majority of the officers of the said artillery company shall think fit. Penalty for neglect.

V. *And be it further enacted* by the authority aforesaid, That in case any person belonging to the said artillery company, whilst the said company shall be under arms, or mustering, training or exercising, shall neglect or refuse to do his duty, or to obey the lawful command of his officer, the majority of the commissioned officers of the said company shall have full power and authority to inflict on the person so offending, any pecuniary mulct not exceeding five pounds, current money. And in case any such person shall be disobedient, or raise any mutiny or sedition when the said company shall be under arms, or mustering, training or exercising as aforesaid, such person shall be subject to a fine not exceeding ten pounds, like money; and the said officers, over and besides such pecuniary mulct, may imprison or confine the offender until the said company shall be discharged; and such officers may, if they think fit, cashier any offender in either of the cases aforesaid, and discharge him from the said artillery company. For disobedience, &c.

VI. *And be it also enacted* by the authority aforesaid, That the said artillery company, as well officers as private men, shall be subject and liable to appear under arms and do duty, in all times of alarm, in like manner and under the same penalties and forfeitures as other companies of the militia in this Province are subjected and made liable unto by the aforesaid Act for the better regulating of the militia; and the captain of the said artillery company shall be, and is hereby, vested with the same power and authority, and shall proceed in the same manner as the other captains of the militia are empowered and directed to do by the Act aforesaid, for impressing provisions, horses, boats, canoes, periaugers and vessels, with their furniture, or whatever things else he shall want or have need of for the use of the said company, in time of any alarm. Their duty.

VII. *And be it likewise enacted* by the authority aforesaid, That in case the said artillery company shall be ordered upon service in any time of alarm, the commissary-general for the time being shall, at the expense of

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the public, furnish the said company with an artillery chest and proper carriages, such as powder carts and ammunition wagons.

General issue
may be plead-
ed.

VIII. *And be it further enacted* by the authority aforesaid, That if any person or persons whosoever, shall be sued, impleaded, molested or prosecuted for any matter, cause or thing whatsoever, done or executed, or caused to be done and executed, by virtue of or in pursuance of this Act, such person or persons may plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or prosecutor shall suffer a discontinuance, or become non-suit, or a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, or for whom judgment shall pass, his full double costs of suit, for which the court where such prosecution shall be brought, is hereby fully authorized to give judgment and award execution accordingly.

IX. *And it is hereby also enacted* by the authority aforesaid, That this Act shall be and continue of force for and during the term of four years, and from thence to the end of the next session of the General Assembly, and no longer.

B. SMITH, *Speaker.*

In the Council Chamber, the 31st day of July, 1760.

Assented to: WM. BULL.

No. 1076. AN ACT FOR THE REGULATION OF THE MILITIA OF THIS STATE; AND FOR REPEALING SUCH LAWS AS HAVE HITHERTO BEEN ENACTED FOR THE GOVERNMENT OF THE MILITIA.

Preamble.

WHEREAS, the establishment of a well regulated militia in a free State, will greatly conduce to its happiness and prosperity, and is absolutely essential to the preservation of its freedom; and *whereas*, it is necessary that the laws hitherto enacted for the regulation of the militia of this State, be amended and reduced into one body, for the satisfaction and better information of individuals, and for the interest of the community.

Militia divided
into brigades,
regiments and
companies.

I. *Be it therefore enacted*, by his Excellency Rawlins Lowndes, Esqr., President and Commander-in-chief in and over the State of South Carolina, by the Honorable the Legislative Council and the General Assembly of the said State, and by the authority of the same, That as soon as conveniently may be, after the passing of this Act, the whole militia of this State shall be divided into three brigades; and there shall be a Brigadier-General and a Major of Brigade appointed to each; and the several regiments of militia in this State, consisting of more than twelve hundred men, shall be divided into regiments of not less than six hundred men each, by the majority of the field officers of the regiments so to be divided and those appointed to such new regiments, and who are hereby empowered

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and directed to ascertain the boundaries and districts of such regiments, and the districts of the several companies of their respective regiments; to each of which regiments there shall be one Colonel, a Lieutenant-Colonel and Major, and an Adjutant, to be nominated by a majority of the field officers, and commissioned by the Governor and Commander-in-chief for the time being, and liable to be suspended by the same authority, who shall be entitled to a daily pay of three pounds, and shall be obliged to attend and instruct the several companies in the said regiments, both separately and in battalion, and to examine the arms, accoutrements and state of the regiments, and report the same every three months to the commanding officer; and to each company of such regiments, a captain and two subalterns, if the same consists of not more than sixty men, and three subalterns if above that number, three sergeants, three corporals and a clerk, (whose duty shall be to keep always an exact circumstantial and fair list of the company he belongs to, expressing where the several persons belonging to such company do respectively reside, to attend militia courts, and to do all such other business as relates to the office of a clerk in the said company) nor more than two drummers and one fifer; all and every of which officer and officers, respectively, shall reside in the district to which the regiment or company belongs.

II. *And be it further enacted* by the authority aforesaid, That there shall not be formed any volunteer company in this State after the passing of this Act; and all Colonels of the regiments of militia, wherein there are any volunteer companies of foot or troops of horse, are hereby enjoined and required to break and dissolve such companies of foot, wherever they, respectively, fail to have on the muster roll of such company fifty good and effective men; and also, such troops of horse, where they in like manner fall short of twenty-five good and effective men on the muster roll of such troop; the officers and privates of which companies and troops shall be then liable to militia duty, as if such companies and troops had not been formed; and shall not be permitted to enter into any other volunteer company then existing; and no person belonging to a volunteer company shall quit the same, without giving three months notice thereof, after the expiration of which time he shall be obliged to do duty in the company of militia for the district where he resides. Volunteer companies.

III. *And be it further enacted* by the authority aforesaid, That every person residing in this State, out of the district of a militia company, shall be obliged to do duty as a militia man, in the company whose district is nearest his residence. And that every Colonel and field officer of a militia regiment of this State, shall, once in every six months, turn out, train and exercise, the whole of their respective regiment, within their proper districts, by not less than three companies at a time, at such places, respectively, as by the majority of the field officers shall be chosen as convenient for the people; excepting any regiment of Charlestown, which shall be so turned out and exercised in battalion, once in every two months; on pain that every field officer, who, not being prevented from so doing by sickness or unavoidable necessity, shall neglect the doing thereof, shall thereby forfeit and pay the sum of two hundred pounds for every such offence. And every captain, subaltern, adjutant, clerk, sergeant, corporal, drummer, fifer and private, who, not being prevented by sickness or other unavoidable necessity, shall neglect or refuse to march to or attend such muster, after proper notice thereof, according to the orders of the officer Regimental musters.

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commanding him, in a proper manner, armed and accoutred as directed in this Act, at the time and place appointed for such muster, or shall not, at such muster, obey all the lawful commands of the officer so commanding him, every such captain, subaltern, adjutant, clerk, sergeant, corporal, drummer, fifer or private, shall, for every such offence, forfeit and pay a sum not exceeding the following, that is to say:—every such captain, one hundred pounds; every such subaltern, fifty pounds; every such adjutant, fifty pounds; every such sergeant, fifteen pounds; every such clerk, fifteen pounds; and every such corporal, drummer, fifer or private, ten pounds. *Provided, nevertheless*, that no person shall be obliged to remain at any such muster above one day at a time, except in time of alarm, invasion, insurrection or rebellion against the State.

Company musters.

IV. *And be it further enacted* by the authority aforesaid, That every captain and subaltern of every regiment in this State, shall, once in every month, turn out, train and exercise the company under his command, within its proper district, excepting the captains and subalterns of the regiments of Charlestown, who shall, for six months after the passing of this Act, turn out, train and exercise their respective companies, once in every fortnight; after which, they shall be turned out, trained and exercised, once in every month; and every such captain or subaltern, who, not being prevented by sickness or unavoidable necessity, shall refuse or neglect so to do, shall, for every such offence, forfeit and pay the following fines, that is to say:—every such captain, fifty pounds; and every such subaltern, twenty-five pounds; and each sergeant, corporal, drummer, fifer, clerk and private, who, on having proper notice of such muster by beat of drum or otherwise, and not being prevented by sickness or any unavoidable necessity, shall neglect or refuse to repair to the place and at the time appointed for such muster of the company to which he belongs, properly armed and accoutred according to the directions of this Act, or shall not obey, at such muster, the lawful commands of the officer commanding such company, every such sergeant, corporal, drummer, fifer, clerk or private, shall, for every such offence, forfeit and pay in manner following, that is to say:—such clerk or sergeant, six pounds; and such corporal, drummer, fifer or private, five pounds.

Sergeants and corporals.

V. *And be it further enacted* by the authority aforesaid, That any person on being appointed to the office of sergeant or corporal of the company to which he belongs, by a majority of the commanding officers thereof, who shall refuse to undertake and execute the duties of such appointment, shall, for every such refusal of the office of sergeant, forfeit and pay the sum of twenty-five pounds; and for such refusal of the appointment of corporal, forfeit and pay the sum of fifteen pounds. *Provided, nevertheless*, that no person shall be obliged to serve as sergeant or corporal, longer than a year, at one time, in seven years; and all and every process which shall be issued by the captain and officers of any company, against any person for any offence against this Act, shall be served or executed by the sergeant of such company in which such person is against whom the process issues, who is fully authorized hereby so to do; *provided, nevertheless*, if such sergeant cannot be found in convenient time, that any lawful constable shall be authorized hereby to execute such process; which sergeants and constables, respectively, shall be entitled for so doing, to the fees allowed to constables by law for serving process.

VI. *And be it further enacted* by the authority aforesaid, That the captain and commissioned officers of the different regiments of militia in

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this State, shall, and are hereby authorized and required to, hold an ordinary militia court, once in every month, for the trial of offenders against this Act within their respective companies; a majority of the officers of which companies, respectively, shall have full power and authority to hear and determine such offences, to administer the necessary oaths to witnesses or persons having legal excuses without other evidences thereof, and to issue the necessary processes for inflicting and enforcing the payment of such fines and penalties as shall be incurred by this Act, in manner as hereafter directed. *Provided, nevertheless*, that if at any time the number of officers to any such company are not sufficient to form a majority, that then the remaining officers or officer, shall have like power to hold such court for trial of such offenders, and to inflict and enforce the payment of such fines and penalties.

Militia courts,
for companies.

VII. *And be it further enacted* by the authority aforesaid, That the commanding officer and field officers of every regiment of the State aforesaid, shall, and are hereby enjoined to, hold a regimental militia court in their respective regiments, at least once in every six months, for enquiring into the conduct of the inferior commissioned officers of such regiments, and the punishment of such of them as shall offend against this Act, and to administer necessary oaths to evidences at such court, and to enforce the payment of such penalties as shall be incurred under this Act, within the jurisdiction of such court, in manner as directed by this Act; at which court, every captain of such regiment, shall, once in every six months, make a return, on oath, to the commanding officer thereof, of all fines inflicted and levied by him on any defaulter or offender, together with an account in what manner such fines have been disposed of or applied, and of the balance or remaining sum thereof in his hands. *Provided, nevertheless*, that no regimental militia court, held in time of peace, shall be held out of the district of such regiment, and shall consist of a less number than seven, of whom there shall be at least one field officer of such regiment, and three captains; and that every regimental militia court, held for the trial of any officer for any offence committed by him in time of alarm, or while upon actual service, shall consist of at least seven members, whereof a field officer of the regiment to which such offender belongs, or in case of the absence of such field officer, one to be appointed by the commander of the expedition, shall be one, and not less than three captains; which court shall be ordered by the commander of such expedition, when he shall think necessary.

For regiments.

VIII. *And be it further enacted* by the authority aforesaid, That every offence committed by a Brigadier General, or at any time by a field officer against this Act in time of peace, and while not on service, shall be heard and determined by his Excellency the President or Governor and Commander-in-chief, as the case may be, and the privy council for the time being, upon complaint made to the President or Governor and Commander-in-chief, as the case may be, of this State, who are hereby empowered to inflict and enforce such penalties as shall be incurred by such offender under this Act, and either to suspend or break and degrade such Brigadier-General or field officer, from the degree and appointment of Brigadier-General or field officer. And every offence committed by a field officer against this Act in time of alarm, or while on actual service, shall be tried and determined by a militia court, consisting of seven members, belonging to the regiment or detachment of such field

For officers.

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officer, of which number, one, at least, shall be a field officer, and the rest, captains; which court shall be appointed by the commander of the body or detachment in which the said offender shall be, and by whom he is commanded; and shall have power to suspend such offender, until, on a report of such trial to the President or Governor and Commander-in-chief, as the case may be, and privy council for the time being, they shall either acquit such offender, or inflict such penalties as are inflicted by this Act for the offence whereof he shall be found guilty, or cause him to be degraded as aforesaid.

Said courts,
how to be or-
ganized.

IX. *And be it further enacted* by the authority aforesaid, That all officers neglecting to attend any court for trying offences against this Act, after being duly summoned, shall for every such offence, forfeit the sum of twenty-five pounds; and that at every regimental militia court, or any other militia court held by the officers of any of the regiments of militia of this State, for the punishment of any offenders against this Act, every member of every such court shall, previous to the hearing or trying any such offenders, publicly in such court, take the following oath, to be administered by one of such members to the President or eldest officer at such court, who shall afterwards administer the same to the rest of such members, viz: "I (the person to be sworn,) do swear that I will impartially, without fear, favour or prejudice, hear and determine upon every matter or thing brought or to be brought before me in this militia court to be tried and determined, according to the best of my skill and ability, and the militia laws now in force in the State of South Carolina—so help me God." And that no offence shall be tried or determined, whereby any person shall be punished or fined under this Act in any such court, before the person supposed to commit such offence hath been previously summoned by a majority of the members of such court, by notice to attend the same, mentioning for what cause, by setting forth the offence charged, and the time and place of holding such court, for at least ten days theretofore, in manner as herein is prescribed, and until such person so summoned shall thereafter wilfully make default and not appear according to such notice, or appearing, not offering such defence or excuse as in the opinion of the majority of the court, on evidence by one or more witness or witnesses, or the oath of the party having no such witness, shall appear sufficient under this Act; which summons or notice shall be written in the following form, viz:

Forms of pro-
cess.

Mr. , (the name of the offender,) Sir, you are hereby summoned to be and appear at (the place where the court will sit,) on the day of next, or instant, at a militia, (ordinary or regimental as the case may be,) court, then and there to be held according to law, in order that you may shew cause, if any you have, why you should not be fined for, (here insert the offence charged,) of which fail not at your peril.

Signed, A B.

C D.

E F.

G H.

And after any determination shall be made in any militia court aforesaid, for the fining and punishment of any offender under this Act, no execution shall issue against the goods or persons of such offender, for the levying of such fine or penalty, until the expiration of ten days after such determination, and until such offender shall have had at least five days previous notice of such determination, by a short minute of

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court, signifying such determination, under the hands of the members of such court, in manner following, served on such offender or left at his usual abode.

At a militia (regimental or ordinary) court, held the day of 1777 at by officers of the regiment under the command of Col.

Mr. , was fined in the sum of £ for (here say for what offence.)

Signed, A. }
B. } Members of the court.
C. }
D. }

Nor shall any execution be served on the body of such offender, unless sufficient goods and chattels of such offender cannot be found, whereon to levy such fine or penalty. *Provided, nevertheless*, that any goods or property seized under this Act shall be sold at public sale, to the highest bidder, by the person so seizing them, after five days public notice thereof; who, after paying out of the money arising from such sale, the sum levied, shall return the overplus, if any there be, to the person from whom such goods were seized; on pain that every sergeant or constable who shall neglect the same, shall forfeit double the value of such overplus to the person injured by detaining the same. And all which executions against the goods and body of any offender under this Act, shall be in the following form, viz:

Executions against goods, &c.

SOUTH CAROLINA, district.

By commissioned officers of the regiment of foot or horse militia, commanded by Col. , in
To the Sergrants of the company commanded by Capt. , of the said regiment, or in case no Sergeant at hand, to any lawful constable of the district of

Whereas, at a militia (regimental or ordinary) court, held on the day of 1777 by commissioned officers in the regiment aforesaid, according to law, A B. (the offender's name,) a person liable to bear arms in the company commanded by captain , in the regiment aforesaid, hath been fined in the sum of for the offence, which he hath not paid since the expiration of ten days after the adjudication: these are therefore to command you, or any of you, to levy and cause to be made of the goods and chattels of the said A B. the sum of £ and the said goods expose to public outcry for sale, after five days public notice, and after such sale, deduct the said sum of £ from the money arising thereon, and all reasonable charges: paying the overplus, if any there be, to the said A B. And in case the goods and chattels of the said A B cannot be found or so taken, these are further to command and require you to take the body of the said A B. and him safely convey to the common jail of the district of and that you in such case also deliver him to the keeper of the said jail, together with this warrant, hereby commanding you, the said keeper, to receive the body of the said A B. and detain him in your custody without bail or mainprize, until he shall pay the said sum of £ together with all legal charges. And for your so doing this shall be your sufficient warrant. Given, &c.

A B.
C D.
E F.

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*Acts relating to the Militia.*Fines, how to
be applied.

X. *And be it further enacted* by the authority aforesaid, That all fines which are inflicted under this Act for any sum not exceeding ten pounds, shall be applied by the majority of the officers of the company in which the persons paying them are, towards purchasing drums, fises, standards and other necessities for the said company; and the purchasing of arms, ammunition and accoutrements for such persons belonging to such companies respectively, as shall on oath make it appear they cannot purchase the same without distressing their families. *Provided, nevertheless*, that such persons so furnished, shall return the same on removing out of the beat of such company, on pain of forfeiting for neglect thereof, seventy-five pounds, currency, to be recovered as all fines under six pounds, are recoverable by this Act. And that all fines recovered in any regiment in the county above ten pounds, shall be paid by the commanding-officer, once a year, into the treasury of this State, for the use thereof; and those above ten pounds recovered in any regiment of Charlestown, shall by the commanding officer be paid at the end of every six months, into the treasury, for the use aforesaid: *Provided, nevertheless*, That the major of each regiment shall receive and pay, in like manner, all fines and forfeitures incurred by his commanding officer.

Returns to be
made.

XI. *And be it further enacted* by the authority aforesaid, That every captain of every regiment of militia in this State shall, (in Charlestown immediately, and in the country within two months,) after the passing of this Act, and once in every six months thereafter, take and enrol the names of all male free inhabitants within the districts of their respective companies, from the age of sixteen to sixty years, and inform them of the companies to which they belong, who are hereby obliged to turn out, and to do the duty of such companies, whenever their respective companies are by law obliged to be mustered or trained, or to perform any duty or service whatever; the publishing of the time and places of any such mustering, training or performance of any duty or service, by beat of drum, or any other expeditious and proper manner, shall be deemed a legal notice thereof, to oblige such persons to appear in their respective companies in a proper and legal manner for such purposes, and in no other. And every captain of every regiment shall, immediately after taking such list, which he is hereby enjoined to do twice in every year, and as often after as required by the commanding officer, make and return an exact copy thereof, on oath, to the adjutant of the regiment to which he belongs, who shall therefrom make an exact roll of the officers and privates of such regiment, and certify the same immediately to the brigadier-general of the brigade to which such regiments belong, who shall return the same to the colonel of such regiment, who shall return an exact copy thereof to the President or Governor and Commander-in-chief, as the case may be, for the time being, within sixty days thereafter; on pain that every such captain, adjutant, colonel or brigadier, neglecting or refusing so to do, shall, for every such offence, forfeit the sum of one hundred pounds.

Arms.

XII. *And be it further enacted* by the authority aforesaid, That all persons under the age of sixteen and above the age of sixty years, are hereby excused from bearing arms in time of peace or alarm, on making such age appear, on oath; and all persons liable to bear arms by this Act, shall constantly keep in good repair, at his place of abode, and appear with, at every muster of the company to which he belongs, and do duty in the said company on all occasions, with one good musket and bayonet, or a good substantial smooth bore gun and bayonet, a cross belt and car-

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touch box, capable of containing thirty-six rounds, with at least twelve rounds of good cartridges, filled with gun powder and a leaden bullet, each fit for such musket or smooth bore gun, and half a pound of spare powder and twenty-four spare rounds of leaden bullets or buck-shot, or one good rifle-gun and tomahawk or cutlass, with three quarters of a pound of powder, and not less than thirty-six leaden bullets proper for such rifle, with an equal number of patches, together with a cover for the lock of such musket or gun, one ball of wax, one worm and picker, six spare flints, and one screw driver or substantial knife, of the fitness and sufficiency of which arms, ammunition and accoutrements, the captain or commanding officer of each company shall determine.

XIII. *And be it further enacted* by the authority aforesaid, That every person liable to bear arms by this Act, whose arms, ammunition or accoutrements shall be found at any muster deficient, and not as required by this Act, shall forfeit and pay, for every such part of his arms, ammunition or accoutrements which shall be so deficient, a sum not exceeding three pounds. And every commissioned officer of any company in any of the regiments of militia of this State, may, once in every two months, and not oftener, with one or more sergeants of the company under his command, repair to the abode of every such person enrolled in such company, and demand a sight of his arms, ammunition and accoutrements, and every such person refusing to produce such arms, ammunition and accoutrements to be viewed, and who shall be found deficient in any of them, or not to have kept them in good order, shall, for every such refusal, or part of such arms, ammunition or accoutrements so deficient or out of order, forfeit and pay a sum not exceeding six pounds. *Provided, nevertheless,* that no such person shall be fined for such deficiency of arms, ammunition or accoutrements, if he can make it credibly appear to the captain of his company that such deficiency of such arms, ammunition and accoutrements, is not from wilful neglect.

Penalty for not being armed.

XIV. *And be it further enacted* by the authority aforesaid, That the following persons are excused from general and ordinary musters, that is to say:—the Lieutenant-Governor for the time being, and all such persons as have held the offices of President or Governor and Commander-in-chief, or Vice-President or Lieutenant-Governor, all members of the Privy Council for the time being, with their clerk and door-keepers, the judges of the several courts of justice, and clerks of such courts, the master in chancery, sergeant-at-arms, sheriffs, with one deputy each, collectors of the customs, comptrollers, powder receiver, commissary, surveyor-general, auditors-general, secretary and one deputy, waiters and searchers, commissioners of the treasury, all non-commissioned colonels, lieutenant-colonels, majors and captains in the several regiments who have borne commissions, or any or all of them, respectively, for the space of ten years in the whole, all officers in the continental regiments in the service of this State, who shall have borne commissions for ten years successively, or who continue in the said service until such regiments be disbanded by public authority, the members of the Senate and House of Representatives, and their respective officers, all officers of the courts of justice not before mentioned, while attending the same, all justices of the peace who actually qualify and act, and no other, all licensed clergymen, belonging to any established church in this State, the post-muster, his deputy and post-rider, the fire-masters and managers of the fire engines in Charlestown, the pilots and their crews, one white man to each ferry, and one to

Who exempt from muster.

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Penalty for neglect of duty.

each grist mill. But all such persons (excepting the members of the Senate and House of Representatives, with their officers, if sitting or called to sit, the Lieutenant-Governor and the members of the Privy Council for the time being, with their clerk and door-keeper, the fire-masters and managers of the fire engines in Charlestown, and their assistants, whilst attending their duty with the engines, the post-master and post-riders, the pilots and their crews, one white man to each ferry, one to each grist mill, the commissary, powder receiver and commissioners of the treasury,) shall, in time of alarm, insurrection, invasion or rebellion against this State, appear properly armed and accoutred in the companies in the districts in which they reside. And every person who shall wilfully neglect to communicate any alarm or notice of the approach of an enemy, shall, for every such offence, forfeit and pay the sum of five hundred pounds; and every person who having any notice of any alarm or approach of an enemy, who not being prevented by sickness or any other unavoidable necessity, shall neglect to repair with all convenient speed to the place and at the time appointed for the rendezvous of the company to which he belongs, to join such company, properly armed and accoutred as directed by this Act, or suffer the said company to be actually engaged before he shall join the same, every such person so offending shall, for every such offence, forfeit and pay a sum not exceeding one hundred pounds, with twice the amount of the tax paid by such offender, next before such offence, or which he shall be liable to in the next assessment. And any person who, on any alarm being given, or in any manner communicated to him, shall wilfully desert from the regiment, troop or company, or district of such company, to which he belongs, after having joined the same, shall, for every such offence, forfeit and pay the sum of five hundred pounds, and treble the amount of the tax paid by such offender next before such offence, or which he shall be liable to in the next assessment; and on non-payment of the fine last above mentioned, the said offender shall, upon conviction thereof by a regimental militia court, be committed, by order of the said court, to the common goal of the district wherein he resides, there to remain for a space of time not exceeding twelve months, without bail or mainprize.

Drafts, how to be made.

XV. *And be it further enacted* by the authority aforesaid, That all drafts which shall be made by order of the President or Governor and Commander-in-chief, as the case may be, of and from any regiment, or any of the companies of any regiment in this State, in time of alarm, invasion, insurrection or rebellion, shall be made in manner following, that is to say:—the captain or commanding officer of every company so to be drafted, shall, at the time and place appointed, cause the names of the several persons enlisted in such his respective company, officers excepted, to be written down, each name on a small scroll of paper, which shall be folded up and put into a hat and shaken together, and the clerk or sergeant of such company shall draw out the number of names to be drafted; and the persons whose names are so drawn, shall be obliged to march according to such orders as shall be given by the President or Governor and Commander-in-chief, as the case may be, and to perform such service as he shall judge necessary for the defence of this State; and the rest of the persons belonging to such company, whose names shall be left in the hat and not be drafted, shall remain, together with at least one commissioned officer and sergeant of the company, in the district of such company, and shall perform the duty of patrol, in manner as hereinafter

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directed. *Provided, nevertheless,* that there shall not be drafted from any regiment or company, at one time, more than three fourths of such regiment or company, to march out of the district or division of such regiment or company.

XVI. *And be it further enacted* by the authority aforesaid, That when any draft shall be made from any company in this State, in time of alarm, Patrols. Invasion, insurrection or rebellion, the part remaining of such company and not so drafted, shall, by the officer of such company left to command such remaining part, be formed into patrols of at least six men each; each of which patrols shall be under the command of a captain of patrol, to be appointed by the officer of such company, and shall do constant duty, and ride patrol in the district of the company to which such patrols belong, to guard the plantations and keep the slaves in such district in peace and good order, and shall place proper guards, watches and centinels, at fit and convenient places, to give notice of danger, and the more speedy advice of the same to the President or Governor and Commander-in-chief, as the case may be, of any army of this State; and every commanding officer of a part of any company remaining after a draft as aforesaid, who shall neglect to appoint such patrols, shall, for every such neglect, forfeit and pay the sum of one hundred pounds; and every other person legally appointed to or obliged to serve in such patrol, who shall refuse or neglect the duties thereof, not being prevented by sickness or any other unavoidable necessity, shall, for every such refusal or neglect, forfeit and pay one hundred pounds.

XVII. *And be it further enacted* by the authority aforesaid, That a brigadier-general or a field officer neglecting or refusing to do his duty, or obey the lawful commands of his superior officer in time of alarm, invasion, insurrection or rebellion, shall, for every such offence, forfeit and pay the sum of five hundred pounds, and a sum equal to three times the amount of the public tax assessed on or paid by him; last preceding such offence; that any commissioned officer, under the degree of a field officer, in like case offending, shall, for every such offence, forfeit and pay the sum of three hundred pounds, and a sum equal to three times the amount of the public tax assessed on or paid by him last before such offence; and that any non-commissioned officer or private in the like case offending, shall, for every such offence, forfeit and pay the sum of one hundred and fifty pounds, and a sum equal to three times the amount of the public tax assessed on or paid by him last before such offence. Fines.

XVIII. *And be it further enacted* by the authority aforesaid, That every person who shall be guilty of any insult or contempt of the authority of any militia court, held by virtue of this Act, or who shall refuse to obey any legal order or process issued therefrom, shall, for every such offence, forfeit and pay a sum not exceeding one hundred pounds, at the discretion of the majority of such court; and on non-payment of the same, shall be committed by the said majority of such court to the common goal of the district wherein such offence is committed, to remain for a space of time not longer than a month. Penalty for contempt of court.

XIX. *And be it further enacted* by the authority aforesaid, That in every detachment from any regiment or company in this State, there shall not be less than ten privates and one sergeant and corporal, and one drummer to each commissioned officer.

XX. *And be it further enacted* by the authority aforesaid, That every master or person having power or government of any free-born male

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*Acts relating to the Militia.*Apprentices
and servants.

apprentice or servant in this State, shall, at his costs and charges, (and not of such servant or apprentice,) within two months after such apprentice or servant shall enter into his service, furnish and provide such apprentice or servant, and during his servitude with such master, with the arms, ammunition and accoutrements required by this Act, and shall keep the same for such apprentice or servant in good order; and shall cause such apprentice or servant to repair, completely armed and accoutred therewith, to all musters, trainings and other services of the company in which such apprentice or servant is enrolled; and in case such apprentice or servant shall neglect or refuse to appear at any such muster, training or other duty of such company, or his arms, ammunition or accoutrements shall be found deficient thereat, every such master or person having the government of such apprentice or servant, shall forfeit and pay the forfeitures and penalties under this Act for the same, as if such offence was committed only by such master or person governing such apprentice or servant. *Provided, nevertheless,* that every apprentice or servant, who being furnished as directed by this Act, shall wilfully, and of his own accord, against the express directions of the master or person governing him, commit any offence against this Act, such master or person governing such apprentice or servant, shall be liable to the penalties inflicted for the same; and every such apprentice or servant shall, for every sum of ten pounds so paid, serve such person so paying the same, as a servant, for the space of one month, and so in greater or less proportions. And all servants or apprentices shall be allowed the term of six months after being discharged from servitude, to provide themselves arms, ammunition and accoutrements as directed by this Act, during which time they shall be exempted from the penalties thereof for non-compliance.

Persons mustering,
free from arrest.

XXI. *And be it further enacted* by the authority aforesaid, That no process for any matter or cause whatever, (except sedition, felony or breach of the peace,) shall be served on any person at any muster in pursuance of this Act, or in going to or returning from the same, or within twenty-four hours after such return home; nor shall any arms, ammunition or accoutrements of any person, be liable to be seized or distrained for rent in arrear, or taken by any process for any debt or damages whatever; on pain that every process so served, or seizure so made, shall be void and null in law, and the person serving the same shall forfeit the sum of twenty pounds, to be recovered before any justice of the peace of this State, in the district where such offence is committed.

Penalty for
mutiny, &c.

XXII. *And be it further enacted* by the authority aforesaid, That any person raising or attempting to raise any mutiny or sedition in any regiment, troop or company under arms or in array, shall forfeit and pay a sum not exceeding fifty pounds; and the commanding officer of such regiment, troop or company, shall have power, and is hereby authorized, to imprison and confine such offender during the time such regiment, troop or company shall be so under arms or arrayed as aforesaid. *Provided,* that if such person so offending be a servant, and shall not forthwith pay such fine so to be inflicted as aforesaid, the said commander of such regiment, troop or company, may cause him to be whipt on the bare back, with a number of stripes not exceeding twenty.

XXIII. *And be it further enacted* by the authority aforesaid, That any brigadier-general or field officer who shall, during any alarm, invasion, insurrection or rebellion of or in this State, raise, or attempt to raise, any sedition or mutiny in any regiment or company in this State, shall, for

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every such offence, forfeit and pay a sum not exceeding six hundred pounds, and a sum equal to three times the amount of the tax assessed on or paid by him next before such offence. And every commissioned officer inferior to a field officer, in the like case offending, shall, for every such offence, forfeit and pay a sum not exceeding three hundred pounds, and a sum equal to three times the amount of tax assessed on or paid by such offender next before such offence. And that every non-commissioned officer or private, in like case offending, shall, for every such offence, forfeit and pay a sum of money not exceeding two hundred pounds, and a sum equal to three times the tax assessed on or paid by such offender next before such offence; and on non-payment of any of the said fines above specified, the said offenders, upon conviction thereof by such person or court as they are by this Act liable to be tried, respectively, shall be committed by the order of such persons or court, respectively, to the common goal of the district wherein the offence may be committed, there to remain for a space of time not exceeding twelve months, without bail or mainprize. *Provided*, that if any private so offending be a servant, and incapable of paying such fine, he shall suffer the punishment of thirty-nine stripes on his bare back.

XXIV. *And be it further enacted* by the authority aforesaid, That if any person shall remove from the district of the company to which he belongs, and shall reside in the district of another company, such person so removing shall be liable to the duties of the company of the district from which he so removes, and all the penalties of this Act for not performing the same, as if such person had not so removed, until he shall produce from the captain of the district to which he hath so removed, a certificate to the captain of the district from which such person is removed, certifying that he is enrolled and enlisted in the company of that district in which he then resides. *Provided*, that no person removing or absconding from Charlestown in times of danger or alarm, shall be entitled to such certificates.

Person removing from one district to another.

XXV. *And be it further enacted* by the authority aforesaid, That the President or Governor and commander-in-chief, as the case may be, for the time being, with the advice and consent of the privy council, shall have full power, and is hereby authorized, on receiving any credible information of any invasion, insurrection or rebellion intended against the State, to order such parts of any of the regiments or companies of this State, (not exceeding three fourth parts of such regiments or companies) as he shall think necessary, to be drafted at a certain time and place, and to be assembled and marched in proper order by a certain time and to such place as he shall think most proper to repel or suppress any such invasion, insurrection or rebellion, there to remain and to perform such service as he shall judge requisite and necessary for the safety and defence of this State.

In case of invasion, insurrection, &c.

XXVI. *And be it further enacted* by the authority aforesaid, That the President or Governor and Commander-in-chief of this State, as the case may be, for the time being, is hereby authorized, empowered and required, on receiving any credible information of any insurrection, invasion or rebellion being actually commenced or intended against this State, to cause an alarm to be made and published throughout the same, by causing six cannon to be fired, two at a time, at three minutes distance, and by sending orders and expresses to the several brigadiers and field-officers of the different regiments of militia of this State, to raise and assemble such parts of their respective brigades, regiments, troops or companies, and to march them at such time and to such place as the President or Governor and

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Commander-in-chief, as the case may be, shall think necessary ; which alarm shall be carried throughout the State by the several commissioned officers of the militia, by firing three small arms at convenient intervals and places, and by the speedy raising of their several companies; and giving notice of the approach of the enemy.

XXVII. *And be it further enacted* by the authority aforesaid, That any commissioned militia officer, on sight, knowledge or credible information, of any insurrection, invasion or rebellion against this State, shall have full power and authority to publish an alarm, by firing three small arms, and shall raise the company to which he belongs, by beat of drum or the most expeditious manner possible, and shall with all convenient speed despatch two expresses, one to the President or Governor and Commander-in-chief, as the case may be, and the other to the nearest brigadier or field-officer of the brigade or regiment to which the said company belongs, with an account of the cause of such alarm ; which brigadier or field-officer of the brigade or regiment is hereby enjoined and required immediately to march a part of his brigade or regiment (not exceeding three fourths) to the assistance of any of the inhabitants of this State who are in danger ; and all persons having knowledge of such alarm shall continue and extend the same, by firing three small arms as aforesaid.

Pirates, Indians, &c. how to be repelled.

XXVIII. *And be it further enacted* by the authority aforesaid, That every captain or commanding officer of a company of militia of the State aforesaid, is hereby authorized and required, on discovering any pirate, Indian, searover, runaway slave, or other enemy, who shall in a hostile manner hurt or attempt to hurt the inhabitants of this State, or any of them, in their persons or property, to assemble and raise any number of men belonging to their respective companies, and to give notice and call to their aid the officers and men of any adjacent company, and to take, kill, destroy or disperse such pirate, Indian, searover, runaway slave or other enemy : and every person belonging to any company summoned for the purpose aforesaid, who, not being prevented by sickness or other unavoidable necessity, shall neglect or refuse to turn out according to order, properly armed and accoutred, on being so summoned, shall, for every such offence, forfeit and pay a sum not exceeding one hundred pounds, with a sum equal to twice the tax paid or assessed on such person, next before such offence.

Power of impressment.

XXIX. *And be it further enacted* by the authority aforesaid, That in time of alarm, invasion, insurrection or rebellion, every brigadier and field officer of any brigade or regiment, or captain of any company, may, and is hereby authorized and empowered, when called out on actual service, to impress by warrant, under the hand and seal, directed to any sergeant or corporal, any provisions, horses, wagons, boats or necessities which they may stand in need of in the service on which they are so called, and for the brigade, regiment, troop or company so called out on such service : And all and every of such articles shall, before disposed of to the public use as aforesaid, be appraised and valued by three freeholders or indifferent persons, on oath, to be administered by any commissioned officer present, provided no magistrate be at hand, who shall fix the value thereof, together with such loss as shall be sustained by the owner or owners of such things so impressed by impressing the same ; a copy of which appraisement, on oath as aforesaid, under the hands of such appraisers, together with a receipt for the said article, &c. appraised, shall be

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given by the officer by whose command the goods are so impressed, to the owner of such goods, who, on delivering such copy of appraisement and receipt into the public treasury of this State, shall be paid the amount of such appraisement. *Provided, nevertheless*, that every officer who shall cause any goods or effects to be impressed as aforesaid, during an alarm, and while on service, shall, immediately after the ceasing of such alarm and of such service whereon such effects were so impressed, cause the same to be sold at public sale, to the highest bidder, after ten days notice of such sale, and return, within three months thereafter, into the public treasury of this State, an exact account on oath of such sale, together with the monies arising therefrom, and also an exact account on oath of all such ammunition and provisions furnished by the public, which shall then remain unexpended by any brigade, regiment, troop or company under the command of such officer on any expedition or service in time of alarm as aforesaid.

XXX. *And be it further enacted* by the authority aforesaid, That every person in this State who hath any property, power or command over any male slave or slaves in this State, as owner of such slaves, or as manager, attorney or trustee for the owner of any such slaves, shall, on the first day of January in every year, return to the captain or commanding officer of the company of the district wherein such person, being owner, manager, attorney or trustee of such slaves, shall reside, a faithful and true list of all male slaves, from the age of sixteen to sixty years, residing in such district, and whereof such person is owner, or hath command and controul as aforesaid; in which list, the names of such slaves shall be specified, on oath, by the person returning the same, to the captain of the district wherein he or she resides, who shall return the same to the commanding officer of the regiment to which such captain belongs; which commanding officer of such regiment shall cause the same, within two months thereafter, to be laid before the President or Governor and Commander-in-chief, as the case may be, and privy council for the time being.

List of slaves
to be returned.

XXXI. *And be it further enacted* by the authority aforesaid, That the President or Governor and Commander-in-chief, as the case may be, and privy council of the State aforesaid for the time being, are hereby authorized and required, when they shall think it necessary, to order the captains of the militia of this State to enlist in their respective companies a number of such slaves so returned to them as aforesaid, not exceeding one third of such companies, and such as the said captains shall approve of as faithful and fit for service, to be employed as hatchet men or pioneers in such companies, and doing the fatigue duties thereof; the owners of every such slave so enlisted shall be allowed, out of the treasury of this State, the sum of ten shillings for every day such slave shall be employed or retained in such service. And in case any such slave shall be killed, maimed or wounded in such service, the owner or owners thereof shall be allowed and paid out of the public treasury of this State such a sum of money as shall, by two indifferent freeholders, on oath, the one to be chosen by the owner of such slave, the other by the captain under whom he was enlisted, or an umpire, also on oath, chosen by such freeholders, be deemed equivalent to the loss sustained by such owner of the said slave so killed, maimed or wounded as aforesaid; which valuation shall be made under the hand and seal of the person or persons making the same, and shall be lodged in the public treasury on payment thereof.

Slaves to be
listed.

XXXII. *And be it further enacted* by the authority aforesaid, That every person having any property, command or power over any male slave,

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Acts relating to the Militia.

Fine on owners of slaves for neglect.

as owner, manager, attorney or trustee, who shall refuse or neglect to make out and give in such list, in manner as and at the times directed by this Act, shall, for every such offence, forfeit and pay the sum of twenty pounds, current money; and every such person who shall neglect or refuse to send and order any such slave, in time of alarm, to join the company in which such slave shall be enlisted as pioneer or hatchet man as aforesaid, after notice of such enlistment, shall, for every such offence, forfeit and pay the sum of fifty pounds current money; which fines shall be recovered by the majority of the officers of such company in which such slave is enlisted, from the owner or person having command of such slave, in manner as other fines are recoverable by this Act, and shall be paid into the public treasury for the use of this State.

Provision for persons maimed, &c. in service.

XXXIII. *And be it further enacted* by the authority aforesaid, That every poor free man or white servant, who shall, during any engagement or action, boldly fight any of the enemies of this State, and in such fight be maimed or disabled from labor, shall, upon obtaining a certificate thereof, under the hands and seals of a majority of the field officers of the regiment or troop to which he belongs, be, henceforth, entitled to, and shall yearly receive out of the public treasury of this State, during his life and abode in this State, the sum of one hundred pounds, current money. And if such poor free man or white servant so maimed or disabled, shall be a married man, shall, in such case, on receiving such certificate, be entitled to and receive out of the public treasury of this State, during life and abode in this State as aforesaid, the yearly sum of one hundred and fifty pounds, current money. And in case any poor free man or white servant, being a married man, and having to the number of two children, under the age of twelve years, shall lose his life in any engagement, action or fight, in the service of this State, against the enemies thereof, then, and in such case, the widow of every such poor free man or white servant, shall be, from thenceforth, entitled to, and yearly receive, during her widowhood, the sum of two hundred pounds, current money. And in case such poor free man or white servant, who shall so lose his life, shall leave no widow, but more than one child, every of such children, being under the age of fourteen years, shall be entitled to, and yearly receive from the public treasury of this State, the sum of fifty pounds, current money, until he or she shall, respectively, attain the said age of fourteen years.

Charleston battalion of artillery.

XXXIV. *And whereas*, it is necessary for the service and defence of this State, that the present artillery company in Charlestown, established by law, be augmented to a battalion, to consist of three companies, in manner hereinafter mentioned. *Be it therefore enacted* by the authority aforesaid, That immediately after the passing of this Act, there shall be three companies of artillery in Charlestown, to be raised out of the militia of the said town, which three companies shall constitute a battalion of artillery; to which battalion of artillery there shall be one major commandant, three captains, three captain-lieutenants, three first lieutenants, three second lieutenants, one adjutant, one surgeon and assistant, one quarter-master, twelve sergeants, six drummers, six fifiers, and two hundred and twenty-five rank and file; and which battalion so constituted shall be under the same rules and regulations as are established by any Act or Acts of the General Assembly, passed for establishing the present Artillery company, in all respects whatever, and such further regulations established for the government of the militia of this State by this Act, so far as the same relates to the artillery of Charlestown.

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XXXV. And *whereas*, it may be expedient for the safety of Charlestown, that the President or Commander-in-chief, as the case may be, for the time being, should have power to order out the regiment of Charlestown militia and the Charlestown battalion of artillery, to guard the said town, when it may not be necessary to declare the State to be in alarm. *Be it therefore enacted* by the authority aforesaid, That it shall and may be lawful for the President, Governor or Commander-in-chief, as the case may be, with the advice and consent of the privy council, when the good order, peace and safety of Charlestown shall make it absolutely necessary, to order such regiment or battalion, or so many companies thereof as he shall think necessary, to perform the duty of a town guard; any thing herein contained to the contrary thereof in any wise notwithstanding. Which town guard, when on duty, shall be vested with all such powers, privileges and authorities, as have been hitherto given to any watch, company or town guard by any law of this State. And if any person or persons, who by this Act is or are made liable to perform the duty of a town guard, shall neglect or refuse to perform the same, when thereunto legally required, all and every such person and persons shall be subject to such pains and penalties as he is or they are made liable to by this Act for not appearing at general musters.

XXXVI. And *be it further enacted* by the authority aforesaid, That immediately after the passing of this Act, and once in every six months thereafter, every colonel or commanding officer of every regiment or troop, shall cause every captain of every such regiment or troop to have this Act publicly read at the head of their respective companies, to the officers and privates thereof, by the clerk of such respective companies, on pain that every such colonel or commanding officer, captains and clerks of such regiments, troops and companies, respectively, who shall neglect or refuse so to do, shall forfeit and pay the sum of fifty pounds, current money; to be recovered by any person who will give information of the same to any two justices of the peace, by warrant, under the hands and seals of such two justices.

XXXVII. And *be it further enacted* by the authority aforesaid, That all other Acts and clauses of Acts heretofore made and enacted, and all Resolves of the late Provincial Congress of this State, respecting the militia, are hereby repealed and annulled, and shall, henceforth, be deemed and taken to be of no force or effect; excepting such Acts and clauses of Acts as have been made and enacted for establishing and regulating the artillery company formed out of the militia of Charlestown; which said Acts and clauses of Acts respecting the said artillery company hereby formed into a battalion, are hereby continued and enforced. *Provided, nevertheless*, that all fines and penalties hereby declared and incurred, under and by virtue of this Act, for any defaults or offences therein mentioned, shall be held and construed to extend equally to the said battalion of artillery, for any such defaults or offences made and committed by the officers and privates thereof; which said offences shall be heard, tried and determined by the officers of the said battalion of artillery.

XXXVIII. And *be it further enacted* by the authority aforesaid, That any person or persons whatsoever who shall be sued, impleaded, molested or prosecuted for any matter, cause or thing, done or executed, or caused to be done and executed, by virtue of or in pursuance of this Act, and all and every such person or persons who shall or may be commanded, or in

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General issue
may be plead-
ed.

aid and assistance of any person or persons who shall do or execute, or cause to be done and executed, any matter or thing by virtue of or in pursuance of the directions of this Act, shall and may plead the general issue, and give this Act and the special matter in evidence; and in case the plaintiff or prosecutor shall suffer a discontinuance, enter a *noli prosequi*, suffer a non-suit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, and for whom judgment shall pass, his full treble costs of suit.

XXXIX. *And it is further enacted* by the authority aforesaid, That this Act and every matter and thing therein contained, shall be and remain in full force for seven years, and from thence to the end of the next session of the General Assembly of this State, and no longer.

HUGH RUTLEDGE, *Speake of the Legislative Council.*

THOMAS BEE, *Speaker of the General Assembly.*

In the Council Chamber, the 28th day of March, 1778.

Assented to :

RAWLINS LOWNDES.

No. 1154. AN ACT FOR THE REGULATION OF THE MILITIA OF THIS STATE.

Preamble.

WHEREAS, the laws now in force for the regulation of the militia of this State, are found inadequate to the beneficial purposes intended thereby for the defence of the State in the present times of danger and alarm, and it is expedient to alter the same.

Lists of inhabi-
tants to be
made out.

I. *Be it therefore enacted*, by the Honorable the Senate and House of Representatives of the said State, now met and sitting in General Assembly, and by the authority of the same, That every captain in every regiment of militia, shall, as soon as may be after the passing of this Act, and once in every two months thereafter, make out an exact list of the names of every free male inhabitant, within the district of his company, from the age of sixteen to fifty years, and return an exact copy thereof to the adjutant of the regiment to which he belongs, who shall, therefrom, make out an exact roll of the officers and privates of such regiment, and certify the same to the commanding officer of such regiment; who shall return a copy thereof to the commanding officer of the brigade to which such regiment belongs; who shall return the same to the Governor or Commander-in-chief within thirty days thereafter; on pain that every such captain, adjutant, commanding officer of a regiment, or commanding officer of a brigade, neglecting or refusing so to do, shall, for every such offence, forfeit, if a captain or adjutant, thirty Mexican dollars; forty Mexican dollars, if a field officer of a regiment; and sixty Mexican dollars, if the commanding officer of a brigade.

II. *And be it further enacted* by the authority aforesaid, That the several brigades, regiments and companies of the militia within this State,

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shall remain as at present established; and where any vacancies by death, removal or resignation shall happen, the Governor or Commander-in-chief shall issue new commissions to fill them up. *Provided*, that where any vacancy of Colonel of a regiment shall happen, there shall be no new appointment to such vacancy, but that a Lieutenant-Colonel commandant shall be appointed to the command of all such regiments, and an additional Major.

Vacancies, how
to be filled:

III. *And be it further enacted* by the authority aforesaid, That on requisition from the Governor, a draught shall be made of one fourth part of the militia, to serve in the field or garrison, for one or more months, according to the season of the year, that is to say:—for one month from the first day of April to the last day of July, and for two months at every other season of the year; and that every such draught shall relieve each other at these respective times in constant succession; and that every delinquent who shall neglect or refuse to obey the summons of his commanding officer to march or repair to such place as he shall be ordered, shall be sent for by such commanding officer by an armed party, and obliged to serve double the length of time for which he was draughted, unless he shall make such excuse as shall be satisfactory to the commanding officer of the regiment, then present, to which he belongs. And every person who shall be summoned to march as aforesaid, and who shall appear without being properly armed and accoutred, shall, for every such offence, be obliged to serve double the length of time for which he was draughted, unless he shall make it appear to the satisfaction of the militia court appointed to try such offender, that he doth not possess, nor hath not had it in his power to procure such arms. *Whereas*, extraordinary emergencies arising at the times of changing the draughts of militia, may require their longer service, it shall and may be lawful in such cases, for their officers to detain them ten days longer than the aforesaid terms of service, and no longer.

Draughts, how
to be made.

IV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the Governor or Commander-in-chief, with the advice and consent of the privy council, to order any part of the militia, not exceeding one third part, to the relief of any sister State, where they shall remain as long as the service may require, or the Governor or Commander-in-chief shall think expedient, not exceeding three months, unless a relief is ordered and on their march, in which case, they shall remain fifteen days, and no longer. And the Governor or Commander-in-chief, with the advice of the privy council, is hereby directed, from time to time, to order other draughts to march in due time to relieve the former; and the militia, while in such State, shall be governed by the militia laws of this State, and no other.

May be sent to
relief of a sister
State.

V. *And be it further enacted* by the authority aforesaid, That the militia, when on duty, shall be subject to and governed by the following rules and regulations.

Regulations
for the govern-
ment of the
militia.

1. Any person who shall raise, or attempt to raise, any mutiny or sedition in any regiment, troop or company, or shall be found sleeping on his post, shall be obliged to serve for any time, not exceeding twelve months, in one of the continental regiments of this State.

2. That in case of desertion from camp at ordinary times, he shall be compelled to serve double the length of time he was otherwise liable to; but in case of such desertion in the face of the enemy, during action, or when a disposition shall be made for an action, such deserter shall be put into one of the continental regiments, and be compelled to serve for the war.

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3. Any person who shall presume to sleep out of camp, or be absent from duty without leave of his officer, shall, if an officer, forfeit ten dollars; if a private, he shall serve ten days longer than he was otherwise liable to; but if an action should happen during his absence from camp, if an officer, he shall be cashiered, and turned into the ranks, and shall be obliged to serve two months extraordinary, immediately after being so reduced; if a private, he shall be put into one of the continental regiments of this State, not exceeding twelve months.

4. Any non-commissioned officer or private, who shall be found guilty of plundering or taking the property of the inhabitants of this State, contrary to orders, shall serve in one of the continental regiments for any time not exceeding twelve months, as to a court martial shall seem fit.

5. If a commissioned officer shall be found guilty of the crimes last mentioned, he shall be cashiered and turned into one of the continental regiments of this State, as a private, in which he shall be obliged to serve for one year.

6. Any person, whilst on duty, who shall wilfully disobey the lawful commands of his superior or commanding officer, shall, for every such offence, if an officer, be cashiered and turned into the ranks, and shall be obliged to serve forty days extraordinary, immediately after being so reduced; if a private, be sentenced to serve for a term not exceeding one year, in the continental service.

7. Any officer or private who shall be found drunk on guard, or at any other time of duty, if an officer, be cashiered and turned into the ranks, or receive such other punishment as the court shall inflict; if a non-commissioned officer or private, he shall be confined till sober, and serve ten days longer than he was otherwise liable to.

8. Any person who shall, by discharging of fire arms, or by any other means whatsoever, intentionally occasion a false alarm in camp or garrison, if an officer, he shall be cashiered, reduced to the ranks, and shall be obliged to serve forty days extraordinary, immediately after being so reduced; if a non-commissioned officer or private, he shall serve fifteen days longer than he was otherwise liable to.

9. Any officer, non-commissioned officer or private, who shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall be tried in like manner as is hereafter provided for the trial of spies, and on conviction, shall suffer death, or such other punishment as shall be inflicted by the sentence of the court.

VI. *And be it further enacted* by the authority aforesaid, That the trial of every offender against this law shall be immediate and summary, and shall be had and held in manner following, that is to say:—if a non-commissioned officer or private, by five, or if they cannot conveniently be procured, by three commissioned officers; if a captain or subaltern, by five, or if they cannot conveniently be procured, by three commissioned officers, of which two shall be captains; if a field officer, by seven, or if they cannot conveniently be procured, by five officers, two of which shall be field officers; which trials shall be ordered, and the persons holding the same nominated, by the commanding officer of the detachment, regiment or brigade to which the person accused belongs. And that each member of the court, previous to his sitting on such trial, shall take the following oath.

Offenders, how
to be tried.

I, A B, do swear, that I will impartially, without fear, favor or prejudice, hear and determine the offender's case, (or cases,) according to the

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best of my skill and ability, and agreeable to the militia law now in force, and to the evidence to be produced, so help me God.

And every such person so ordered to sit on the trial of such offender, who shall refuse to act, shall be deemed guilty of a disobedience of orders, and shall be tried and punished accordingly. But the trial of a brigadier for any offence against the law, shall be before the Governor and Privy Council.

VII. *And be it further enacted* by the authority aforesaid, That if any persons are found wandering about in any part of the country to which *Vagrants.* they do not belong, and are suspected of a design to evade duty, they shall be liable to be taken up by the captain or other officer of the district in which they shall be so found, and made to do duty with him, unless they shall produce a certificate of their doing duty with, or belonging to some particular district, from any officer of such district, not below the rank of a captain.

VIII. *And be it further enacted* by the authority aforesaid, That the sentence or verdict of every court shall be transmitted, within one week, *Fines, how to be levied.* to the commanding officer of the regiment to which such offender belongs, if below the rank of a field officer; and if a field officer, to the commanding officer of the brigade; which officers shall, respectively, have power to remit or mitigate the same. And when any fines shall be inflicted, and the delinquent shall neglect paying the same ten days after judgment is past against him, the officer to whom the trial of the said delinquent shall have been transmitted, shall issue his warrant, directed to any sergeant of the district, to levy the same, by distress and sale of the said delinquent's goods and chattels. That all fines inflicted by virtue of this Act shall be paid as follows, that is to say:—one fourth part to the sergeants who shall levy or receive the same, and the other three fourths shall be paid into the public treasury of this State, and shall be applied to the support of the indigent families of such persons as have been killed or maimed in defence thereof.

IX. *And be it further enacted* by the authority aforesaid, That the brigadiers general shall order such regimental and ordinary *Musters.* musters as they shall think necessary; the regimental musters not oftener than three times in a year, and the ordinary ones not oftener than once a month; at which respective musters every person liable to bear arms shall appear properly armed and accoutred, on pain of forfeiting two dollars for every offence.

X. *And be it further enacted* by the authority aforesaid, That no person liable to serve in the militia shall enter with or join any other regiment, troop or company, than that in which they actually reside, except to take a commission, or to enrol themselves in the Charlestown battalion of artillery, or enlist as a private in the continental service.

XI. *And be it further enacted* by the authority aforesaid, That the sergeants and corporals of the several companies shall be appointed by a *Sergeants and corporals.* majority of the commissioned officers of such companies, and be obliged to serve one year; and every sergeant, after such appointment, who refuses to serve, shall pay a fine of sixteen dollars; and every corporal, a fine of six dollars. That all processes issued by virtue of this Act shall be served and executed by the sergeants of the respective companies, who shall be entitled to the same fees as are usually allowed constables, and one fourth part of all fines to be recovered by virtue of this Act.

XII. *And be it further enacted* by the authority aforesaid, That every

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Power of impressment.

brigadier, field officer or captain, when on actual service, may impress, by warrant under their hand, directed to any commissioned or non-commissioned officer, any provisions, forage, horses, wagons, boats or necessaries which they may stand in need of for the service; which warrant any person offering to impress, shall, if required, be obliged to produce to the owner of any such goods; and that for any provisions and forage so impressed, receipts shall be given, specifying the quality and quantity, and the detachment for which the same had been impressed; and that every other article so impressed, shall, before disposed of to the public use, be appraised by three freeholders or indifferent persons, who shall be previously sworn for that purpose; a copy of which appraisement, with a receipt for the goods so impressed, shall be given by the officer who shall impress them, to the owner thereof; and for every good waggon, team and driver, employed in the public service, shall be allowed a sum not exceeding three Mexican dollars per day.

Patrols.

XIII. *And be it further enacted* by the authority aforesaid, That such parts of the militia as shall be left at home, shall, when it shall be thought necessary by the commanding officer of the company who remains with them, be formed into patrols of at least six men each, with a captain of patrol to each, to be appointed by the said officer, who shall ride patrol in the district of the company to which such patrol belongs, and keep, in their several districts, peace and good order; and every such commanding officer of a company as aforesaid, who shall neglect to appoint such patrols when necessary, shall, for every such neglect, forfeit and pay a fine of eight dollars; and every other person appointed to or obliged to serve in such patrols, who shall refuse or neglect the duties thereof, shall, for every such offence, forfeit and pay a fine of two dollars.

XIV. *And be it further enacted* by the authority aforesaid, That every offender against this Act, who shall be sentenced to perform extraordinary duty in the militia, and who shall neglect or refuse to perform the same, shall be obliged to serve in one of the continental regiments of this State, not exceeding a twelvemonth.

Spies, how to be treated.

XV. *And whereas*, the laws of this State have not hitherto been adequate to the punishment of spies who may be found within the same, or lurking about militia camps or garrisons. *Be it enacted* by the authority aforesaid, That any justice of the peace or militia officer in this State, shall have full power and authority to take and apprehend any person whom he shall have good reason to suspect of being a spy or emissary from the enemy, or of holding correspondence with or giving intelligence to them; and if he cannot give a good and satisfactory account of himself, such justice or militia officer shall cause such suspected person to be conducted to the nearest post or division of a commanding officer of brigade; which commanding officer of brigade shall order a court of thirteen officers, of which one at least shall be a field officer, to sit for the trial of such spy or suspected person; which court shall take an oath to try the case referred to them according to the laws and practice of nations and usage of war; and if a majority of said officers shall pass sentence of condemnation, and the commanding officer of brigade approve of the same, such sentence of death shall and may be executed according to the usage of war.

Who exempt from muster.

XVI. *And be it enacted* by the authority aforesaid, That the following persons shall be excused from regimental and ordinary musters, and all other militia duty, to wit:—the Lieutenant-Governor and members of

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the Privy Council, with their officers; all clergymen regularly licensed in this State; all school-masters, who have under their tuition not less than fifteen scholars; the members of the Legislature and their officers, while sitting or called to sit; judges and clerks of the courts of sessions; the commissioners of the treasury; the post-master and post-riders; two pilots for the port of Georgetown, and two for the port of Beaufort, while they actually attend their duty; one white man to each established ferry, while he actually resides at the same; one white man to each water grist mill; the sheriffs and ordinaries of the several districts; three white men to each of the forges, and five to each of the furnaces erected at the iron mines in this State, who shall constantly reside at and work on the same; also, such persons as shall be brought from other States to work on the same; those officers who have held commissions in the continental regiments raised in this State, and are supernumeraries.

XVII. *And be it further enacted* by the authority aforesaid, That the persons who have found substitutes in the regiments of horse raised in this State, shall not be liable to any militia duty till the time for which such substitutes were enlisted shall expire, except patrol duty in their respective districts.

XVIII. *And be it further enacted* by the authority aforesaid, That the militia and Charlestown battalion of artillery, shall in future when on actual service, be allowed the following pay, viz:—privates, ten shillings per day; corporals, eleven and three pence; sergeants, twelve shillings and six pence; and the commissioned officers the same pay as was allowed in the year 1775; and that a brigade major be allowed the pay of a major of a regiment; the adjutant, quarter-master, and two aid-de-camps to each brigadier, the pay of a captain; and that the brigadiers shall be allowed the same pay as the continental officers of the same rank.

Pay.

XIX. *And be it further enacted* by the authority aforesaid, That if any disputes shall arise about the construction of this Act, they shall be referred to the Governor and Privy Council, whose determination shall be final and conclusive.

XX. *And be it further enacted* by the authority aforesaid, That in all cases in which the sentence of the court shall be service in the continental line, the commanding officer of the regiment to which the person who shall be so sentenced shall belong, shall send the said person, under proper guard, to some continental officer of the troops to be raised by this State, with a certified copy of the said sentence.

XXI. *And be it further enacted* by the authority aforesaid, That all former laws passed for the government of the militia, shall be, and they are hereby, repealed, except such parts of this law as relates to the Charlestown battalion of artillery.

XXII. *And be it further enacted* by the authority aforesaid, That this Act, and every matter and thing therein contained, shall be and remain in full force for the space of one year, and from thence to the then next session of the General Assembly of this State, and no longer.

In the Senate House, the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and eighty-two.

JOHN LEWIS GERVAIS, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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Acts relating to the Militia.

No. 1193. AN ACT FOR THE TEMPORARY REGULATION OF THE MILITIA OF THIS STATE.

WHEREAS, the present militia law now of force, is ineffectual, for want of proper fines on defaulters.

I. *Be it therefore enacted* by the Honorable the Senate and House of Representatives of the State aforesaid, and by the authority of the same, That the militia of this State shall remain as at present established, and that it shall be lawful for the Governor of this State to order the militia to assemble at regimental general musters once every two months, and to assemble at ordinary musters of companies, once every month, and for the necessary guard duty of the town during the continuance of this law or until the town shall be incorporated; and every person who shall neglect to turn out on any such duty, shall be subject to the following fines for the following offences, that is to say; for every general muster of the regiment to which such offender belongs, the sum of three dollars; for every neglect of ordinary duty at ordinary musters of every company to which the offender belongs, two dollars; for every neglect of duty for guarding the town on which the company to which the offender belongs shall be ordered, two dollars, so as the same should not exceed once in every twenty-four days, before the incorporation of the town takes place; and in times of alarm only, afterwards; for the refusal to sit on a militia court, three dollars.

II. *And be it further enacted* by the authority aforesaid, That all fines established by this Act shall be recovered in a summary manner from the privates, by a majority of the officers of each company to which the offender belongs, and all offences by officers shall be tried by three captains and two field officers, if the offender be a captain, and by a captain and two subalterns, if the offender be a subaltern; and that sergeants and corporals shall be tried as privates; and that no fines shall be levied for until ten days after any offender shall be convicted; that the militia court constituted by this Act, shall have power to administer the necessary oath to witnesses, to issue summonses for the appearance of each offender, and the necessary process for levying each fine which shall be levied by any of the sergeants of the company to which the offender belongs, who shall be allowed his fees as a constable for the same.

III. *And be it further enacted* by the authority aforesaid, That every officer who on being tried shall be found guilty of a wilful neglect of duty, or disobedience of orders, shall be cashiered and subject to such fine as a court martial shall impose, so as the same do not exceed the sum of ten pounds sterling, and shall be tried in the following manner; if a field-officer, by the Governor and council; if a captain, by two field-officers and three captains; if of the rank of a subaltern, by two captains and three subalterns.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall continue and be in force until ten days after the next meeting of the General Assembly of this State, and shall be deemed a public Act.

In the Senate House, the thirteenth day of August, in the year of our Lord one thousand seven hundred and eighty-three.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

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AN ACT FOR THE REGULATION OF THE MILITIA OF THIS STATE.

No. 1233.

I. *Be it enacted* by the Honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That it shall be lawful for the Governor or Commander-in-chief of this State to order the militia of this State to assemble once in every six months in the city of Charleston, and once in every twelve months in the other districts throughout the State, at regimental musters, and to assemble at ordinary musters of companies once in two months, within the districts of such regiments and companies; and also, to order out the militia of this State in any time of invasion or alarm, for the security and defence of the same; That every person who, on being summoned, shall wilfully neglect to turn out at a regimental muster, properly armed and accoutred, or shall be guilty of a disobedience of orders at such musters, shall be fined in a sum not exceeding four dollars; and who, on being summoned, shall wilfully neglect to turn out at an ordinary muster of the company he belongs to, or shall be guilty of a disobedience of orders at such ordinary muster, shall be fined in a sum not exceeding two dollars; and every person who shall wilfully neglect to repair to the rendezvous of the company to which he belongs, properly armed and accoutred, on being properly summoned thereto by beat or drum or otherwise, in time of any invasion or alarm for the defence of this State, or shall while under orders on such duty, be guilty of disobedience of orders, every such persons so offending shall be fined in a sum not exceeding ten pounds. That all fines shall be inflicted, on non-commissioned officers and privates, by the judgment of the majority of the officers of the company in which the offender is enrolled: that a captain shall be tried by three captains and two field-officers, and a subaltern by a captain and two subalterns, who shall take the following oath before they proceed to trial. "I, A, B, C, D, E, F, will faithfully and impartially try and determine the case of G. H, now to be tried before this court, so help me God." That no fines shall be levied until ten days after conviction; and the courts authorized by this Act shall administer the necessary oaths, and issue the necessary process for summoning offenders and levying of fines; and that the sergeants, for executing such process, shall be allowed fees as constables are by law allowed.

Militia, when
to muster.Fines for ne-
glect.

II. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, the captains and subalterns of each company shall divide their respective companies into small divisions, who shall do the necessary duties of patrol in their respective districts, at least once in every fortnight, under the same fines as are inflicted for non-attendance at ordinary musters, and to be recovered in the same manner.

Patrols.

III. *And be it enacted* by the authority aforesaid, That the following persons shall be excused from militia duty, except in times of alarm, to wit: the members of the privy council with their officers, all clergymen regularly licensed in this State, all school masters who have under their tuition not less than fifteen scholars, the members of the Legislature and their officers, judges and clerks of the several courts and officers, the intendant and wardens of Charleston and their officers, the commissioners of the treasury, all officers of the customs, the Secretary and his deputies, the auditor general and his several clerks, all acting magistrates and constables legally appointed, all regularly bred practising physicians and surgeons, the post-master and post riders, branch

Who exempt
from muster.

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Acts relating to the Militia.

pilots for the several ports, one white man to each established ferry or toll bridge, one white man to each water grist mill, the sheriffs and ordinaries of the several districts, three white men to each of the forges, and five to each of the furnaces erected or to be erected at the iron mines in this State, who shall constantly reside at and work on the same, and also, all officers who have held commissions in the continental army or navy, or the navy of this State, and continued during the war, and all persons under the age of eighteen years or above the age of fifty years.

Officers, how
to be tried.

IV. *And be it further enacted* by the authority aforesaid, That if the conduct of any officer shall be represented to the Governor or Commander-in-chief, to be so far unmilitary and unbecoming as an officer, as to deserve being cashiered, it shall be lawful for the Governor or Commander-in-chief to order a court of enquiry on such officer, and on the report of such court of enquiry to cashier such officer, if the same shall appear reasonable and just: *Provided, nevertheless*, that every such court of enquiry shall consist of twelve officers, to be chosen by ballot from the regiment to which such offender belongs.

V. *And be it further enacted* by the authority aforesaid, That all laws hitherto enacted, respecting the militia, are hereby repealed; excepting such laws or clauses of laws as respect the Charleston battalion of artillery.

In the Senate House, the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 1528, AN ACT TO AMEND AND MORE EFFECTUALLY PUT IN FORCE, FOR THE TIME THEREIN LIMITED, THE ACT ENTITLED "AN ACT FOR THE REGULATION OF THE MILITIA OF THIS STATE," PASSED THE TWENTY-SIXTH DAY OF MARCH, 1784.

Preamble.

WHEREAS, by the eighth section of the first article of the constitution of the United States, it is, amongst other things, ordained and established, that the Congress shall have power to provide for organising, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress. *And whereas*, the Congress of the United States have not as yet provided any law for the organizing and arming and disciplining the militia, in pursuance of the authority in them vested; and it is fit and expedient

Acts relating to the Militia.

A. D. 1791.

that the Legislature should continue to provide proper laws and regulations for the government of the militia of this State, until the Congress of the United States shall think fit to execute the power in them vested by the said constitution. And *whereas*, doubts have arisen whether the militia law of this State, passed on the said twenty-sixth day of March, one thousand seven hundred and eighty-four, was not repealed and rendered ineffectual by the subsequent adoption of the said constitution of the United States by the State of South Carolina.

I. *Be it therefore enacted* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Act of General Assembly of this State, entitled "An Act for the regulation of the militia of this State," be, and the same is hereby, declared to have been and shall continue to be in full force and effect until the said Congress of the United States shall have provided and enacted some law or laws for organizing, arming and disciplining the militia of the United States.

Act of 1784 continued.

II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for each and every Colonel, Lieutenant Colonel, commandant or commander, for the time being, of any of the militia regiments or battallions within this State, to order out such regiment or battalieu, for the purposes of regimental or battalieu musters or training, at any each time and place, within their respective regimental districts, as they may think necessary and proper. *Provided*, that the said regiments shall not be continued out on such muster or training for more than one day at each training, nor for more times than three in one year.

Musters.

III. *And be it further enacted* by the authority aforesaid, That every freeman of this State, liable to bear arms in any of the regimental battalions or companies of foot in this State, and who shall appear at any such regimental or battalieu muster, or at any muster or review ordered by his Excellency the Governor, or at any company muster ordered in pursuance of this Act, or by virtue of the said Act of the twenty-sixth day of March, 1784, not provided with a good musket and bayonet and cartouch box, capable of containing at least twelve rounds of cartridges, or other sufficient gun, and a good and sufficient small sword, broad sword, cutlass or hatchet, and a powder horn or flask, capable of holding twelve rounds of powder, and a good shot bag or pouch capable of holding twelve balls of a proper size for his gun, and with three spare flints, shall forfeit and pay, for each and every such default, the sum of two dollars, or the sum of half a dollar for each article of arms or accoutrements herein before directed, to be assessed and levied on such defaulter in the manner in and by the said Act directed and appointed.

Arms.

IV. *And be further enacted*, That the aforesaid Act of the twenty-sixth day of March, 1784, and this Act, shall be and continue in force until the Congress of the United States shall provide some law or laws for organizing, arming and disciplining the militia of the United States, in pursuance of the said constitution.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

The following Acts relating to Charleston, were omitted in their regular order.

No. 656. AN ACT FOR THE ESTABLISHING OF A MARKET IN THE PARISH OF SAINT PHILIP, CHARLESTOWN; AND FOR PREVENTING ENGROSSING, FORESTALLING, REGRATING, AND UNJUST EXACTIONS, IN THE SAID TOWN AND MARKET.

Preamble. WHEREAS, a certain Act entitled "An Act for regulating the markets in the parish of St. Philip's, Charlestown, and for preventing forestalling, engrossing, regrating and unjust exactions in the said town and market," passed in the ninth year of the reign of his present Majesty, has not been found sufficient and effectual for the purposes thereby intended. And *whereas*, the said Act expires at the end of the next sessions of the General Assembly of this Province. We therefore most humbly pray your most sacred Majesty that it may be enacted, and

Market regulated.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council and the Commons House of Assembly of the said Province, and by the authority of the same, That a public market shall be held and kept in Charlestown, on every day of the week, (Sundays excepted,) at the place whereon a new market-house has been lately built, which is commonly reputed to be the place appointed, established and laid out for a market place in the original plot or model of Charlestown; and the said place shall be held, deemed and taken to be, the public market in Charlestown, for selling and exposing to sale beef, mutton, veal, lamb, pork and other butchery wares, and for the resort of all or any of the inhabitants of this Province, for buying any of the provisions sold or exposed to sale therein. And that if any person or persons usually following the trade and occupation of a butcher, shall sell, or expose to sale, any butcher's meat aforesaid, in any other place in Charlestown, or within one mile thereof, than in the market place aforesaid, every such person or persons so offending, and being thereof convicted before the commissioners, or any three of them, hereafter mentioned, or the majority of them, on the oath or solemn affirmation of one or more persons, shall forfeit the meat so exposed to sale, and pay the sum of five pounds, current money, for every such offence; a moiety thereof to the use of the informer, the other to the use of the poor of the said parish of Saint Philip's, Charlestown; to be recovered by warrant, under the hands and seals of any three of the said commissioners, and levied by distress and sale of the offender's goods.

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And all and every butcher and butchers, poulterer and poulterers, country planter, victualler, lader, kiddler, or other person whatsoever, shall and may there sell, utter and put to open shew or sale, his or their beef, mutton, veal, lamb, pork, or other butchery wares, poultry, fish, and other provisions whatsoever, upon every day of the week except Sundays, from the rising of the sun, all the year long, as long as he or they shall furnish the said market with good and wholesome flesh and other provisions. And if any person or persons whatsoever shall sell, or offer to sale, any manner of butchery or poultry wares or other provisions in the said market, or other place in Charlestown aforesaid, before the ringing the market bell at sun rising in the mornings, respectively, every such person or persons offending, and being thereof convicted before the commissioners, or any three of them, hereinafter mentioned, on the oath or solemn affirmation of any one or more person or persons, shall forfeit the meat so exposed to sale, and pay the sum of two pounds, current money, for every such offence; a moiety thereof to the use of the informer, the other to the use of the poor of the said parish of St. Philip's, Charlestown; to be recovered by warrant under the hands and seals of any three of the said commissioners, and levied by distress and sale of the offender's goods and chattels. And the clerk of the market for the time being is hereby directed and required, to ring, or cause the said market bell to be rung at sun rising, and also at nine of the clock in the morning, on every market day throughout the year, on pain of forfeiting the sum of five pounds for every neglect, to be recovered, levied, paid, applied and disposed in the same way and manner as the forfeitures last before mentioned is directed.

II. And forasmuch as all forestalling and regrating is odious at the common law, and ought by all due ways and means to be discouraged and prevented; and in regard the appointment of the said market is principally intended for the benefit and advantage of house-keepers, to buy for their own use at the first hand and at moderate and reasonable rates—*Be it further enacted* by the authority aforesaid, That no retailer, trader, or other person whatsoever, who buy any meat or other provisions of any sort to sell again, shall enter into the said market or other place in Charlestown aforesaid, and buy, before the ringing of the bell at the hour of nine of the clock in the forenoon as aforesaid, from any of the market people or other persons there, any meat, fish, poultry, herbage, fruit, or other provisions of any sort whatsoever, (except live cattle, calves, sheep and lambs,) to sell the same again, either in the said market or elsewhere in Charlestown aforesaid, under pain of forfeiting, for every such offence, the meat or other provisions so bought, and the sum of five pounds, current money; a moiety thereof to the informer, the other to the use of the poor of the said parish, to be recovered and levied as aforesaid; any law, statute, usage or custom to the contrary in any wise notwithstanding.

III. And to the end that forestalling, regrating and engrossing of victuals or other commodities, may be the better prevented, and the laws against the same be more effectually put in execution, *Be it further enacted* by the authority aforesaid, That no person or persons whatsoever, from and after the passing of this Act, shall buy, or cause to be bought, before the ringing of the bell at nine of the clock in the morning, any victuals or provisions of any sort within Charlestown, or the limits as aforesaid, coming to the said market, or intended to be sold in any other place in Charlestown aforesaid, or make any bargain, contract or promise for the having or buying the same, or any part thereof, so coming as aforesaid, with an intent to sell the same again, before the same shall be actually brought into the said market, ready to be there sold; nor shall any person

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or persons by any means forestall, regrate, engross, obtain, or get into their hands and possession in the said market, any victuals, provisions, or other things whatsoever, that shall thither be brought to be sold, with intent to sell the same again, in the said market or other place within the limits aforesaid, before the ringing of the bell at nine of the clock in the morning as aforesaid, upon pain that every such forestaller, regrater, engrosser, and other person offending in any of the matters aforesaid, shall, for every such offence, being thereof convicted on oath or solemn affirmation of one or more witness or witnesses, before the commissioners hereinafter appointed, or any three of them, forfeit all such provision and victuals so bought, bargained for, forestalled, regrated or engrossed, and also, the sum of five pounds, current money; the one half thereof to the use of the poor of the said parish, and the other half to him or them that will inform for the same, to be recovered as aforesaid. *Provided always*, that nothing herein contained shall extend to hinder any planter or other person whatsoever, from carrying any butter, cheese, poultry, milk, fish, fruit or herbage, to any house or houses in Charlestown, to sell and dispose of the same, except such person or persons who buy to sell the same again undressed; anything in this Act to the contrary in any wise notwithstanding.

False weights and measures.

IV. And forasmuch as divers persons have heretofore sold by false weights and measures, or offered to sell butter and other commodities at less than sixteen ounces to the pound, to the manifest injury and wrong of the inhabitants of the said town, and other persons buying provisions in the said market; for remedy whereof for the future, *Be it further enacted* by the authority aforesaid, That all weights and measures that shall be used in the said town and market, shall be made agreeable to the standard of exchequer, and shall be marked and sealed by the clerk of the said market, who shall be allowed a fee for the doing thereof, as is hereinafter limited and appointed; and no person or persons whatsoever shall presume to buy or sell in Charlestown aforesaid, any commodities commonly bought or sold by averdupoise weight or measure, under the said standard, or with weights not sealed or marked, or not justly made, according to the standard aforesaid, or by or with unjust and false scales and beams; on pain of the forfeiting the sum of two pounds, current money of the said Province, for the first offence, and five pounds, like money, for every other offence of the like kind; the one half thereof to the use of the poor of the said parish of saint Philip's, Charlestown, and the other half to him or them that will sue and prosecute for the same, to be recovered and levied as aforesaid. And the said clerk of the market is hereby authorized, empowered and required, to try all weights and measures, beams and scales, used in the said town and market, at least once in every year, and the public scales always in the month of October, and seize and take away to his own proper use, all weights and measures which shall be found to be light, or not agreeable to the said standard, or shall be made use of in the said town or market before they are sealed by the said clerk; and all scales and beams which shall appear to be unjust or false upon the trial or examination thereof, as is hereby directed.

Fees of the clerk.

V. And *whereas*, the said clerk of the said market will be at some trouble in attending and discharging his duty in the said market, for which a reasonable allowance ought to be made to him. *Be it further enacted* by the authority aforesaid, That the said clerk of the market shall be allowed and paid by the owner or person selling in the market, or elsewhere in Charlestown, the rates following, that is to say:—for every ox, steer or cow, one shilling and three pence; for sealing every weight, six pence; for sealing every measure, six pence; for trying every weight, measure,

beam or scales, six pence; for weighing every quarter of beef, (if required,) six pence; for weighing every hog, (if required,) six pence. And in case any person or persons who shall sell any of the said provisions in the said market, or shall use any weights or measures in the said town for buying or selling, shall refuse or neglect to pay the said rates, fees and proportions to the said clerk of the market for the time being, the said clerk of the market shall and may recover the same by a warrant from the commissioners, or any three of them.

A. D. 1732.

VI. *And be it further enacted* by the authority aforesaid, That if any person or persons shall sell, or expose to sale, in the said town or market, any butter in pounds, parcels or quantities, being under weight, it shall and may be lawful to and for any white person or persons, to seize the same, who shall forthwith carry the same, together with the person in whose possession it shall be found, before any two of the said commissioners, who shall proceed to examine such butter; and if such quantities or parcels of butter shall be found light or under weight, it shall be condemned by such two commissioners as forfeited; the one half thereof to the poor of the said parish of St. Philip's, Charlestown, the other moiety to the person informing and seizing the same as aforesaid.

Butter.

VII. *And be it further enacted* by the authority aforesaid, That all and every person or persons who shall sell, or offer to sale, by weight, any meat in the said market, and have no weights or scales of their own hanging in the said market, shall have their meat weighed in the scales belonging to the said clerk of the market, and in no other scales, under the penalty of forfeiting the sum of one pound to the use of the said clerk, to be recovered and levied as aforesaid.

Meat, how to be weighed.

VIII. *And be it further enacted* by the authority aforesaid, That the clerk of the said market shall give his constant attendance, unless he can give a reasonable excuse, to be approved by the said commissioners, at the said market, from sun rise to the hour of nine of the clock in the morning, every day in the week, (Sundays excepted,) and shall weigh all butchers meat which shall be brought to the said market, if required; and shall sue and prosecute all and every person and persons who shall offend against this Act of any thing herein contained, and whereof he shall receive information, or any wise come at the knowledge of; under the penalty of ten pounds, current money, for every refusal, neglect or omission; one moiety thereof to go to the poor of the said parish, the other moiety to the informer; to be recovered and levied in manner hereinbefore directed.

Duty of clerk.

IX. *And for the better and more due execution of this Act, Be it further enacted* by the authority aforesaid, That the commissioners of the work-house in Charlestown, and the commissioners of the said work-house for the time being, shall be, and they are hereby declared to be, the commissioners for putting, or causing to be put, in execution this Act; and they, or a majority of them, are hereby invested with full power and authority to see the same duly kept and observed, according to the true intent and meaning thereof, as if they were herein particularly named. And the said commissioners, or the majority of them, are hereby authorized and empowered to let to hire the several stalls or part of stalls built, or hereafter to be built, in the said market, at such rates, terms and prices as they shall think reasonable; and rents arising therefrom, in the first place to apply towards reimbursing such of the butchers who have paid or contributed any sum to the building the said market, and remainder of the said rents, after deducting for the necessary repairs and keeping clean

Commissioners.

A. D. 1738. the same, shall be paid by the said commissioners towards the maintenance of the poor of the said parish.

Bad meat.

X. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall expose or offer to sale in the said market, or other place in Charlestown, any poor, carrion, blown, puffed up or unwholesome meats, on complaint thereof made to any three of the said commissioners, and if such complaint shall appear to them to be true, they are hereby authorized and empowered to cause the same to be taken away and burned, or otherwise destroyed.

Penalty for disorderly behaviour.

XI. *And be it further enacted* by the authority aforesaid, That if any person or persons shall oppose, obstruct or insult the said commissioners, or any or either of them, in the execution of their office, or shall make use of any blasphemous, profane or opprobrious language, to create any riot, disturbance or disorder in the said market, such person or persons so offending, shall forfeit the sum of five pounds, current money; one moiety to go to the poor of the said parish, the other to the informer; to be recovered, upon oath, before any one of his Majesty's justices of the peace in this Province; and in default of payment of the said fine, such person or persons so offending, shall be put in the stocks for such time as the justice before whom the matter shall be heard shall direct and appoint, not exceeding the space of six hours. And the clerk of the market and the constables of Charlestown, are hereby required to be aiding and assisting in the execution hereof.

Slaves not to sell without a ticket.

XII. *And be it further enacted* by the authority aforesaid, That if any negro or other slave belonging to any person or persons living or residing within the parish of St. Phillip's, Charlestown, or who usually retail provisions in the said parish, shall sell or expose to sale, any rice, corn, poultry or other provisions, (fresh fish excepted,) without a ticket from his, her or their respective master, mistress, overseer or employer, particularly enumerating the goods so exposed to sale, that it shall and may be lawful for any white person to seize such goods, and to apprehend and bring such slave or slaves before the aforesaid commissioners, or any three of them, who are hereby required and empowered to condemn all such provisions as forfeited to such person seizing the same, which shall not be specified in the ticket as aforesaid, to the use of the informer. And if any slave or slaves in Charlestown shall be found buying up any of the provisions aforesaid, in Charlestown, or within the limits aforesaid, before the ringing of the said market bell at the hour of nine of the clock in the forenoon, with intent to sell the same again undressed, it shall and may be lawful for any white person to seize and apprehend such slave and slaves, together with such provisions, and to bring the same before the said commissioners, who are hereby authorized and empowered to condemn the same as forfeited as aforesaid, and to order such slave such corporal punishment as they shall think fit, not extending to loss of life or limbs.

Penalty for killing or selling meat on Sunday.

XIII. *And whereas*, the butchers do frequently make a practice of killing cattle and other meat on Sundays; to prevent which for the future, *Be it further enacted* by the authority aforesaid, That all and every person or persons whosoever, who shall kill or sell any ox, steer, cow, calf, sheep or hog, in Charlestown aforesaid, or within two miles thereof, on a Sunday, between sun rising and sun setting, shall, for every such offence, forfeit and pay the sum of five pounds; one half to the informer, and the other half to the poor of the said parish, to be recovered and levied in the manner as other fines are hereinbefore directed.

XIV. *And be it further enacted* by the authority aforesaid, That in case any action or suit shall be sued, prosecuted or carried on against the said

commissioners, clerk of the market, or other person or persons whatsoever, for any matter, cause or thing whatsoever, by them, or any of them, done, or to be done, by virtue or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, clerk of the market, and other person and persons so sued, to plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff or plaintiffs in such action or suit shall discontinue, become non-suit, or a verdict shall pass against him or them, then and in every such case, the court in which such action or suit shall be commenced or prosecuted, shall tax and allow to the defendant or defendants, his and their treble costs of suit, for which every defendant shall have like remedy as by law is given to other defendants for the recovery of costs.

A. D. 1764.

General issue
may be plead-
ed.

XV. *And be it further enacted* by the authority aforesaid, That this Act, and every article, matter and thing therein contained, shall be and continue in force for the space of two years, and from thence to the end of the next session of the General Assembly, and no longer.

C. PINCKNEY, *Speaker.*

In the Council Chamber, the 11th day of April, 1789.

Assented to:

WM. BULL.

Made perpetual by Act of 1783, 4th Vol., 540.

AN ACT TO EMPOWER CERTAIN COMMISSIONERS THEREIN MENTIONED, No. 927.
TO KEEP CLEAR AND IN GOOD ORDER AND REPAIR THE STREETS OF
CHARLESTOWN; AND FOR ESTABLISHING OTHER REGULATIONS IN THE
SAID TOWN.

WHEREAS, the health, ease and convenience of the inhabitants of Charlestown, depend, in a great measure, upon keeping clean and in good order and repair, the streets, lanes, alleys and other parts of the said town; and some regulations are absolutely necessary to prevent encroachments on the said streets, lanes and alleys. We therefore pray his most sacred Majesty that it may be enacted, and

Preamble.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of this Province, and by the authority of the same, That the commissioners hereinafter mentioned, or a majority of them, shall have full power and authority, from and immediately after the passing of this Act, to contract or agree with any person or persons to be scavenger or scavengers, to keep the streets, lanes and alleys, and other parts of the said town clean, and in good order and repair; and to remove all filth and rubbish to such proper place or places, in or near the said town, as they, the said commissioners, or a majority of them, shall allot and point out for the reception of the said filth and rubbish.

Scavengers to
be employed.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall have power and authority, and

A. D. 1764.

Duty of commissioners.

they are hereby fully authorized and empowered, from time to time, and at all times hereafter, when and as often as they shall judge it necessary to be done, to cause all bridges and causeways to be amended, and all holes in any of the streets, lanes or alleys in the said town, to be filled up; and posts to be fixed in any of the said principal streets, and footways levelled and paved for the safety and convenience of foot passengers; and likewise, to sink or lay in any of the said streets, lanes or alleys, or under or through any of the wharves or bridges before the bay of Charlestown, common drains or sewers and wells, and to secure the same with proper and sufficient iron gates, in such sort and manner, and with such materials and descents, as they, or a majority of them, shall think fit; and the said commissioners, or a majority of them, shall also have power, from time to time, to cause the said common drains or sewers and wells, as well as any other common drains or sewers in the said town, to be amended and repaired as they shall think necessary; and the said commissioners, or a majority of them, shall, as soon as conveniently they can, cause the Moat on the Bay of Charlestown to be filled up, and all common drains and sewers leading thereto, which are now, or hereafter shall be made, to be continued through and under the same into the river. *Provided*, that nothing herein contained shall extend to allow or permit any person to set up any building whatever, within the limits of fifty feet from the curtain line, agreeable to the laws now in force for that purpose.

Expense, how to be defrayed.

III. *And be it further enacted* by the authority aforesaid, That the charge and expense of mending and repairing bridges and causeways, of filling up the said moat, or any holes of the said streets, lanes and alleys, and of amending and repairing any common drains or sewers, sinking and repairing wells, shall be borne and paid by the inhabitants and others interested in the said parishes of Saint Philip and Saint Michael, Charlestown; and that the charge and expense of sinking the said common drains or sewers and wells, and paving and levelling the principal streets, and erecting posts as aforesaid, shall be paid and borne by the owners and proprietors of the lands and houses lying on the streets, lanes or alleys that shall be benefitted thereby, rateably and proportionably, to the value of the lands and houses each respective person holds and claims, fronting on such street, lane or alley, as far as the said drains or sewers, pavements or posts, shall extend, down to the discharge of the said common drains or sewers into the river. *Provided, nevertheless*, that nothing herein contained shall be construed to extend to oblige the owners or possessors of wharves or bridges through which such drains or sewers shall be carried, to pay any part of the said expense, but that the whole charge thereof shall be borne and paid, rateably and proportionably as aforesaid, by the owners of lands in the street, lane or ally through which the same shall pass, as to the said commissioners, or a majority of them, shall seem just and reasonable. And the said commissioners, or a majority of them, shall have power and authority, and they are hereby fully authorized and empowered, to make an assessment on all the owners and proprietors of lands and houses on any street, lane or alley, where they shall cause any common drain or sewer to be sunk, or pavements or posts to be made, for defraying the expense thereof, rateably and proportionably as aforesaid; and in case, after the said commissioners, or a majority of them, shall have made such assessment, and given ten days notice thereof, by hanging up their said assessment in some public part of the said town, any person or persons owning or claiming lands and houses as aforesaid, on any of the said streets, lanes or alleys, shall refuse or neglect, by the space of twenty days, to pay to the said

commissioners, or such person as they, or a majority of them, shall appoint to receive the same, their several assessments as aforesaid made, it shall and may be lawful to and for the said commissioners, or a majority of them, to issue a warrant or warrants of distress, under their hands and seals, directed to any lawful constable of Charlestown, who is hereby authorized and required to execute the same, by levying on the goods and chattels of such person and persons as shall so refuse or neglect as aforesaid, all such sum and sums of money as they shall be so respectively assessed, together with the charges of such levying, which shall in all respects be the same as is allowed on constables levying executions for the general tax on defaulters, and no more; which warrant shall run in these words, viz:

A. D. 1764.

Whereas, A B hath been duly assessed in the sum of for and towards h proportion of sinking or making a common drain or sewer, pavement or posts, in street, lane or alley, in Charlestown, which hath neglected to pay. Form of warrant.

These are, therefore, to require you to levy the said sum of on the goods and chattels of the said A B, wherever the same shall be found; and for so doing this shall be your warrant.

Given under our hands and seals, the day of Anno Domini, 17

C. D. E. F. G. H.

To any lawful constable of the parish of Saint Philip or Saint Michael's, Charlestown.

IV. *And be it further enacted* by the authority aforesaid, That in case any of the lands fronting on any of the said streets, lanes or alleys, as aforesaid, or the houses thereon, shall be in the hands or possession of any tenant or tenants, occupant, guardian, executors, attorneys and trustees, shall be subject and liable to pay the respective assessments for the said lands, as if the same were their own proper right; and it shall and may be lawful to and for them, and every of them, to stop and discount so much as the respective assessments shall amount to, out of the rent they are to pay for the same; and the same shall be allowed as so much money paid to their respective landlords, or those for whom they hold the said lands in trust; any law, usage or custom to the contrary thereof in any wise notwithstanding. Lands of non-residents.

V. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for any person or persons owning or possessing any lands or tenements, in any street, lane or alley, wherein any common drain or sewer, pavements or posts, shall be laid or sunk, and who is or are by this Act liable to a proportion of the expense and charge of making and sinking such common drain or sewer, pavements or posts, to make any private drain or water course from their houses or lands, into such common drain or sewer; *provided*, that such private sewer or drain be not sunk to the prejudice of such common drain or sewer. But that it shall not be lawful for the proprietors or owners of any lands, at the end of any common drain or sewer in the said town, to stop up such drain or sewer, or prevent the same venting itself in any dock, river, creek or marsh, under the pain of forfeiting one hundred pounds, current money, for every time he, she or they shall be convicted of doing the same. And the said commissioners, or any one of them, may, and they are hereby required to, cause the said sum of one hundred pounds, by warrant, under their hands and seals, or the hand and seal of any one of them, directed to any lawful constable, to be levied on the goods and chattels of the offender; which said sum shall be paid into the hands of the said commissioners, or any of them, Drains and sewers.

A. D. 1764.

Trees.

Streets not to be obstructed.

No filth to be thrown into them.

to be applied towards sustaining and defraying the expense of cleansing the said streets, lanes and alleys, and other places in the said town.

VI. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the owner or proprietors of any lands fronting any of the streets in the said town, to plant such trees, with the consent of the said commissioners, but not otherwise, as they shall think convenient; and also, to enclose such trees to prevent their being destroyed.

VII. *And be it further enacted* by the authority aforesaid, That if any person do or shall hereafter, lay any firewood, timber, bricks or other materials for building, goods, wares or merchandizes, carriages, or other matter or thing whatsoever, in the said streets, lanes or alleys, so as to obstruct, hinder or prevent the free and safe passage of any person or persons with any wheel carriage or otherwise howsoever, except such persons who shall be building, or about to build or erect, houses or other edifices, fronting any of the said streets, lanes or alleys, who shall have leave from the said commissioners, or a majority of them, to lay the materials for such buildings close to the place where such building is intended to be erected, and who shall enclose such materials with a proper fence, to remain for so long a time as the said commissioners shall appoint, and no longer; then the said commissioners, or any one or more of them, shall have power to remove the same; and such persons shall be subject and liable unto the charge and expense incident to such removal; to be assessed by the said commissioners, or any one or more of them; and also, to a fine of ten pounds, current money. And the said commissioners, or any one or more of them, may, and they are hereby required to, cause the sum so assessed, together with the said fine of ten pounds, by warrant, under their hands and seals, or the hand and seal of any one of them, directed to any lawful constable, to be levied on the goods and chattels of the offender; which said fine or recovery shall be paid into the hands of the commissioners for the time being, or any of them, and be applied towards sustaining and defraying the expense of cleansing the said streets, lanes and alleys, and other places in the said town as aforesaid.

VIII. *And be it further enacted* by the authority aforesaid, That in case any person whomsoever shall hereafter cast or throw any filth or rubbish on any of the wharves, or in any street, lane, alley or other part of the said town, except in such place or places as the said commissioners, or a majority of them, shall appoint for the reception thereof as aforesaid, that then it shall and may be lawful to and for any one or more of the said commissioners, or any justice of the peace, upon his or their own view, or upon information made thereof before him or them, on oath, which oath, any one or more of the said commissioner are hereby authorized to administer, to order and direct the said scavenger or scavengers to remove the same, at the charge and expense of such person offending, or of the owner, in case the offence be committed by a servant or slave; to be assessed by the said commissioners, or any one or more of them, or justice. And the person offending, or owner of such servant or slave, as the case may be, is hereby, moreover, subjected and made liable to a fine of forty shillings, current money, for every such offence; the said sum so assessed to be levied, and the said fine to be levied and applied, in the mode and form hereinbefore directed.

IX. And the better to prevent any damage being done to the said streets, lanes and alleys, by heavy carriages, *Be it further enacted* by the authority aforesaid, That no person shall let or drive for hire, any cart, wagon or dray within the limits of the said town, without having first obtained a license for so doing from the commissioners hereinafter appointed, or a

majority of them; for which license shall be paid the sum of five pounds per annum, for every such cart, wagon or dray; and the money for such license shall be paid into the hands of the said commissioners, and shall be, and is hereby, applied towards cleansing the streets, lanes and alleys in the said town, and keeping the same in repair. And in case any person or persons shall let or drive for hire, any cart, wagon or dray, within the limits of the said town, without having obtained such license as aforesaid, or without having one able white person to attend and conduct every such cart, wagon or dray, every such person and persons shall forfeit and pay, for every such offence, the sum of five pounds, current money; to be recovered by warrant, under the hand and seal of any one or more of the commissioners, and applied as hereinbefore is directed and appointed.

A. D. 1764.

Carts, drays,
&c. to be li-
censed.

X. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall have power, and they are hereby fully authorized and empowered, to regulate and license all carts, wagons and drays, let or driven for hire in the said town; and the said commissioners, or a majority of them, shall, and they are hereby required, immediately after the passing of this Act, and on Monday in Whitsun-week in every year, to ascertain the prices of the carriage of all manner of goods, wares, merchandize and commodities whatever, from and to all parts of the said town, by any common carter, wagoner or drayman, and shall certify the rates under their hands, and cause the same to be published in the gazette, and also, to be hung up in some public place in the said town; and no carter, wagoner or drayman, shall take more than the rates so to be ascertained by the said commissioners, or a majority of them, as aforesaid, for the carriage of any goods, wares, merchandize or commodities whatever, upon pain of forfeiting the sum of five pounds, currency, to the use of the party grieved; to be recovered by warrant, under the hand and seal of any one or more of the commissioners, in the manner hereinbefore appointed.

Carriage to be
regulated.

XI. *And be it further enacted* by the authority aforesaid, That all and every person and persons having a license from the said commissioners, for the driving any cart, wagon or dray for hire, shall be, and they are hereby, obliged and required, at all times of the day, Sundays excepted, without delay, to carry such goods, wares, merchandize and commodities whatever, from any one part of the said town to any other, as shall be required of them by any person or persons whoever, under pain of forfeiting, for every such offence, the sum of five pounds, current money, to the party grieved; to be recovered in the manner hereinafter directed. *Provided always, nevertheless,* that no such carter, wagoner or drayman, shall be subject to the said penalty, who can make it appear, by the testimony of any credible person, that they were pre-engaged, or shall have some other reasonable excuse, such as shall be approved of by the said commissioners, or any one of them; and in case any cart, wagon or dray, shall be loaded or driven to the place appointed to take in any goods, wares or merchandize, and the owner of such goods, wares or merchandize, by reason of bad weather, or for any other cause, shall not think fit to have the same carried away, such owner shall be, and he is hereby, obliged to pay to such carter, wagoner or drayman, one moiety of the rates to be ascertained as aforesaid; for recovery whereof, such carter, wagoner or drayman, shall have the same remedy as is given by law for the recovery of small debts.

Duty of cart-
ers, &c.

XII. *And be it further enacted* by the authority aforesaid, That every cart, wagon or dray, to be licensed by the said commissioners as aforesaid, shall have a mark or figure on each of the shafts, which shall be

A. D. 1764.

Carts, drays,
&c. to be num-
bered.

numbered and registered by the said commissioners; and no person shall put the same mark or figure on his cart, wagon or dray, which is appointed for another, nor shall deface the same, under pain of forfeiting the sum of twenty pounds, current money; to be recovered by warrant, under the hand and seal of any one or more of the commissioners, and applied as is hereinbefore directed and appointed.

Penalty for im-
proper driving.

XIII. *And be it further enacted* by the authority aforesaid, That if any person driving any cart, wagon or dray, in any of the streets, lanes or alleys in the said town, shall ride upon such cart, wagon or dray, not having some other person on foot to guide the same, every such offender, being thereof convicted before any one or more of the said commissioners, or any justice of the peace for Berkley county, in Charles-town, by the oath of one credible witness, which oath any of the said commissioners may administer, or upon view of any one of the said commissioners, or any such justice of the peace, shall forfeit the sum of twenty shillings, current money; to be recovered by warrant, under the hand and seal of any one or more of the said commissioners, and applied as is hereinbefore directed; and in default of payment, the offender, being a white person, shall be put in the public stocks, there to be kept not exceeding four hours.

Or for riding at
speed.

XIV. *And be it further enacted* by the authority aforesaid, That it shall not be lawful to or for any white person or persons whomsoever, to ride on horseback, or to drive or be driven in any chair, chaise, chariot or coach, in or through any of the said streets, lanes or alleys in the said town, faster than a moderate trot or pace, under pain of forfeiting the sum of five pounds, current money, for every such offence; to be recovered by warrant, under the hand and seal of any one or more of the commissioners, and applied as is hereinbefore directed. And in case any mulatto, mustee, or negro, shall offend herein, or in any other of the matters or things in this or the preceeding paragraph or clause of this Act mentioned, that then, such mulatto, mustee or negro, shall be publicly whipped, at the discretion of any one or more of the said commissioners, or any justice of the peace, not exceeding forty stripes; and the master or owner of such negro or other slave so offending, shall be obliged to pay the charge of such whipping; to be recovered by warrant, under the hand and seal of any one or more of the commissioners, in manner before directed.

Comm'rs when
to meet.

XV. *And be it further enacted* by the authority aforesaid, That the said commissioners shall meet and convene at the State House, in Charles-town, or such other place as they shall choose, on the first Monday in every month throughout the year, and oftener, if they shall see fit and convenient. And the scavenger or scavengers shall, on pain of forfeiting all his or their wages then due and unpaid, at the discretion of the said commissioners, or a majority of them, attend them and receive such instructions, from time to time, for putting this Act in execution, as they, the said commissioners, or a majority of them, shall think proper to give; and the said scavenger or scavengers for the time being, on the like pain of forfeiting all his or their wages due and unpaid as aforesaid, is and are hereby required and directed to kill and destroy all goats and swine that shall be found at large about the said town, and to deliver the same to the warden of the workhouse, for the use of the poor of the said town; and any white person is hereby authorized and empowered to do the same.

Goats and
swine.

XVI. *And be it further enacted* by the authority aforesaid, That Isaac Mazyck, Gabriel Manigault, John Savage, Thomas Smith, jr., Henry Pe-

seman, John Scott and Hopkin Price, Esquires, and Messrs. Daniel Cannon and William Glen, be, and they are hereby appointed, commissioners for putting this Act, and every clause, article and thing therein contained, into execution; and in case of the death, refusal to serve or departure off the Province of any of the commissioners herein named, then, and in such case, it shall and may be lawful to and for the remainder of the said commissioners to choose a new one in the room of him or them so dying, refusing to Act or departing the Province; and such person or persons so chosen and appointed, shall have the same power and authorities for putting this act in execution, as the commissioners thereinbefore named.

A. D. 1764.

Commissioners appointed.

XVII. *And be it further enacted* by the authority aforesaid, That the commissioners of this Act for the time being, or a majority of them, shall be allowed a sum not exceeding fourteen hundred pounds, current money, yearly and every year during the continuance of this Act, to be raised in the general tax on the estates real and personal, within the parishes of St. Philip and St. Michael, for paying a scavenger or scavengers, and defraying the several other charges which shall arise or become due in the execution of this Act, excepting the expense of making or sinking common drains or sewers and wells, making pavements or posts, which shall be raised and paid in manner hereinbefore directed.

£1400 to be raised.

XVIII. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall have full power and authority, in all respects, to collect, recover, get in and receive, of and from the late and all former commissioners of the streets in Charlestown, and every of them, all and every sum and sums of money which is or are due from them or any of them, to all or any of the inhabitants of the parish of Saint Philip and Saint Michael's, Charlestown, and not fully applied; and to appropriate such sum or sums of money, when necessary, to the several and respective uses for which the same was first raised and collected.

Former commissioners' to account.

XIX. *And be it further enacted* by the authority aforesaid, That no person or persons whomsoever shall, hereafter, be suffered or permitted to make or keep up any drain or water course above ground, for the conveying any filthy or dirty water from his or their respective house or houses, lot or lots, into any of the said streets, lanes or alleys of the said town, so as to incommode persons or carriages passing or re-passing in or through the same, under the penalty of ten pounds, current money, for every such offence; to be recovered and applied as is hereinbefore directed.

No drains to be made above ground.

XX. *And be it further enacted* by the authority aforesaid, That no owner or builder of any house or houses in Charlestown aforesaid, shall be permitted to dig or lay any new foundation of any house or houses fronting upon any street, lane or alley in the said town, before he or they have called the said commissioners of this Act, or a majority of them, to view and see that such new foundation or building doth not encroach on the said street, lane or alley on which it fronts as aforesaid, nor before such owner or builder hath the approbation of such commissioners as aforesaid, for laying the said foundation; nor shall any owner or builder be permitted to advance his steps more than fifteen inches upon any such street, lane or public alley; and that no bulks, jettys, window posts, seats, or any thing of like sort, shall be made or erected on any of the said streets, lanes or alleys, to extend beyond the foundation of the said houses; saving only, that it shall be lawful for the inhabitants of the said town to suffer their stall boards, when their store or shop windows are set open, to turn over and extend fifteen inches, and no more, from the foundation of their houses into the street, lane or alley, for the better conveniency or their shop or store windows; under the penalty of five hundred pounds for every such

Foundations of houses, windows, &c.

A. D. 1764.

offence; to be recovered by warrant under the hands and seals of the commissioners, or a majority of them, and applied as is herein before directed; any law, usage or custom to the contrary thereof, in any wise notwithstanding. *Provided, always,* that in the front of all houses hereafter to be built and erected in any such streets, lanes, or alleys, balconies five feet broad, without posts to support the same from the foundation, and flat cellar doors extended four feet in front, shall or may be placed.

Hired slaves.

XXI. *And be it further enacted* by the authority aforesaid, That no person whatever shall be permitted or suffered to keep more than two slaves to work out for hire in the said town, under pain of forfeiting the sum of five pounds, current money, for every day any such slave shall be so kept to hire as aforesaid, to be recovered by a warrant under the hand and seal of any one or more of the commissioners, and applied as is herein before directed.

Slaves to have badges.

XXII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any slave to work for hire as a labourer or porter in Charlestown, until the owner or person having charge of such slave shall have obtained a licence from the said commissioners for so doing; and every slave for whom such license shall be obtained shall wear a public badge or ticket, in such manner as the said commissioners, or a majority of them, shall direct and appoint; and if any person shall hire or employ any slave as a labourer or porter, who shall not have a badge or ticket as aforesaid, he or she so offending shall forfeit the sum of ten shillings, proclamation money, (except in cases of necessity, of which the said commissioners shall be judges,) for every such offence, to be recovered and applied as is hereinbefore directed. And the said commissioners, or a majority of them, are hereby fully authorized and empowered to ascertain the rates of portorage and labour of such slaves, and also, to appoint the places where such slaves shall ply in the said town; and if any slave so to be licensed, shall refuse to work at the rates ascertained by the said commissioners as aforesaid, upon complaint thereof made to any one of the said commissioners, he is hereby empowered and directed to order such slave to be publicly whipt, not exceeding twenty stripes, by the scavenger or scavengers to be appointed as aforesaid; and the owner or person applying for a licence for any such slave, shall pay the sum of twenty shillings annually to the said commissioners for such licence and badge; which money shall be, and is hereby, appropriated toward keeping the streets in Charlestown clean and in repair.

Slaves not to carry on mechanic trades.

XXIII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for the master or owner of any negro or other slave whatever, hereafter to permit or suffer such negro or other slave to carry on any mechanick or handicraft trade of themselves, in any shop or otherwise in Charlestown, under pain of forfeiting the sum of five pounds, current money, for every day that any such slave shall carry on any such trade, to be recovered and applied as is herein before directed; nor shall it be lawful for any person whatsoever, hereafter to put a negro or other slave apprentice or otherwise, to learn any mechanick or handicraft trade of another slave in the said town, upon pain of forfeiting the sum of one hundred pounds, current money, for every such offence, to be recovered by warrant under the hands and seals of the commissioners, or a majority of them, and applied as is herein before directed: *Provided, always, nevertheless,* that nothing herein contained shall extend, or be construed to extend, to hinder any mechanick or handicraft tradesman in the said town, from teaching their own negroes or other slaves the trades which they respectively exercise, so that they have and constantly employ one white

apprentice or journeyman for every two negroes or other slaves they shall so teach and thenceforth employ, any thing herein to the contrary notwithstanding. A.D. 1770.

XXIV. *And be it further enacted* by the authority aforesaid, That in every case where a pecuniary fine is imposed by this Act, and the offender shall happen to be a slave, then the offender shall suffer punishment by whipping, by the scavenger or scavengers as aforesaid, not exceeding twenty stripes, unless the master of such slave will pay the fine appointed by law for such offence.

XXV. *And be it further enacted* by the authority aforesaid, That this Act, and every matter therein contained, shall be construed most largely and beneficially for the carrying the same into execution, and for the encouragement and justification of all persons to be employed in the execution thereof.

XXVI. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall be sued or prosecuted for any matter or thing by him or them done in pursuance of the directions of this Act, it shall and may be lawful to and for such person and persons to plead the general issue, and give this Act and the special matter in evidence, and if the plaintiff or plaintiffs in any such action or suit shall suffer a discontinuance, or a verdict or judgment shall pass against him or them, the defendant or defendants shall be allowed his and their treble costs of suit. General issue may be pleaded.

XXVII. *And be it further enacted* by the authority aforesaid, That this Act shall be and continue in full force for five years after the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

RAWLINS LOWNDES, *Speaker.*

In the Council Chamber, the 10th day of August, 1764.

Assented to : WM. BULL.

Made perpetual by Act of 1788, 4 vol, 540.

AN ACT FOR A FISH MARKET; AND FOR PRESERVING THE LANPS IN No. 993. CHARLESTOWN.

WHEREAS, no market has been ever established by law in Charlestown for the sale of fish only, but it has been usual for persons to offer the same for sale on stands and benches on the Bay of Charlestown, and in the public streets, to the great nuisance of the inhabitants of the said town. We therefore humbly pray his most sacred Majesty that it may be enacted, and Preamble.

I. *Be it enacted*, by the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council and the Commons House of Assembly of the said Province, and by the authority of the same, That a public market for the sale of all Fish market established.

A. D. 1770.

How to be
built.

Regulations.

sorts of fish, shall be erected and built on the low water lot belonging to the public, situate to the Eastward of the Bay of Charlestown, directly opposite to Queen-street, in Charlestown aforesaid, with proper stalls, benches, stands, and every other conveniency to render the same clean and useful.

II. *And be it further enacted* by the authority aforesaid, That the commissioners of the work-house and markets in Charlestown for the time being, shall be, and they are hereby appointed, commissioners for building the said fish market; and they, and the majority of them, are hereby authorized, empowered and required, without delay, to purchase materials of every sort, and to contract with and employ workmen for the purpose aforesaid; and the public treasurer is hereby directed and required to advance to the said commissioners for the time being, out of any monies now, or which hereafter shall be, in the public treasury, the sum of three thousand five hundred pounds, for defraying the expense of the said building, and for filling up and making solid the place whereon the same is to be built; which sum shall be repaid to the public treasury in manner hereinafter directed.

III. *And be it enacted* by the authority aforesaid, That no fish shall be offered to sale at any stand, dock, wharf or place in any other part of Charlestown, except at the fish market aforesaid, upon pain of forfeiting such fish to any justice of the peace who shall seize the same, for the use of the poor. *Provided, always*, that it shall be lawful for all persons to cry and sell fish about the streets of the said town as usual, such person not being permitted to take any stand, but continuing to pass on for the sale of his or her fish.

IV. *And be it enacted* by the authority aforesaid, That if any person shall, with an intent to sell again, buy or bargain for any fish coming to the said market, either by land or by water, before they shall be actually publicly exposed to sale in the said market, or shall cause the same to be bought, or shall persuade people by word, letter, message or otherwise, from bringing such fish to market, or persuade them to enhance the price when brought thither, or shall purchase fish in the said market to sell again, at any place within four miles of the same, such person shall forfeit, for every such offence, the sum of ten pounds, current money, and be confined in the stocks a certain space of time, not exceeding two hours, by order of any two justices of the peace before whom the fact can be proved by one credible witness.

V. *And be it also enacted* by the authority aforesaid, That it shall and may be lawful for all persons whatsoever to buy and sell fish in the said market every day in the year, Sundays excepted, from day-light to eight of the clock in the evening.

VI. *And be it further enacted* by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to salted or dried fish.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid, or a majority of them, shall and may let to all persons, stalls and stands in the said market, at a price not exceeding two shillings and six pence, current money, per diem, always giving to white persons the preference in the choice of the stalls.

VIII. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall and may appoint a clerk of the said fish market, and allow him a salary not exceeding one hundred pounds, current money, per annum, out of the profits of the said market; and the said clerk or his deputy, shall always give their attendance in the

A. D. 1779.

said market, and see that the same and the stalls, be kept sweet and clean by the persons who shall hire the same, and inform against all persons who shall offend against the true intent and meaning of this Act.

IX. *And whereas*, the business of fishing is principally carried on by negroes, mulattoes and mestizoes, who are apt to be riotous and disorderly. *Be it therefore enacted* by the authority aforesaid, That the said commissioners, or any two of them, or any two of his Majesty's justices of the peace, shall have power, and they are hereby authorized, to confine all riotous, disorderly or drunken negroes, mulattoes or mestizoes, buying, selling, or being in and about the said market, in the stocks, there to remain for a space not more than two hours; but in case such negroes, mulattoes or mestizoes shall repeat such offences, it shall and may be lawful for the said commissioners, or a majority of them, or the said two justices, to order such offenders to be publicly whipped near the said market, not exceeding thirty-nine lashes; and the said commissioners are hereby authorized to build, in some convenient place, in or near the said market, substantial stocks, which shall be the public stocks of the said town, for the confinement of all persons who shall, by any court having authority, be ordered to be confined in the stocks.

X. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any two of them, shall have power to seize, burn or otherwise destroy all putrified and unwholesome fish that may or shall be offered to sale in the said town.

XI. *And be it further enacted* by the authority aforesaid, That the said commissioners shall, out of the sums arising by stallage, and other profits of the said market from time to time, keep the same in good and sufficient repair, and pay their clerk his salary; and that they shall, from time to time, pay the surplus into the hands of the public treasurer for the time being, until they shall repay him the said sum to be advanced by him as aforesaid; after which, the revenue of the said market, after deducting the clerk's salary and other necessary charges, shall be paid into the hands of the church-wardens and vestry of the said parish of St. Philip, for the use of the poor of the parishes of St. Philip and St. Michael, Charlestown.

XII. *And be it further enacted* by the authority aforesaid, That the said commissioners shall keep an exact account of all sums received and expended by them, and shall likewise keep a regular journal and account of all their transactions, which journal and accounts shall, from time to time, be delivered by the commissioners going out, on every Easter Monday, to those coming in on that day.

XIII. *And be it further enacted* by the authority aforesaid, That if any white person or persons shall oppose, obstruct or insult the said commissioners, or any of them, in the execution of their office, or shall make use of any blasphemous, profane or opprobrious language, or create any riot or disturbance in the said market, such person or persons shall forfeit the sum of ten pounds, current money; one moiety to go to the poor of the parishes aforesaid, and the other to the person who shall inform or sue for the same, before any one of his Majesty's justices of the peace in the said Province; and in default of payment of the said fine, the person or persons so offending, shall be put in the stocks for a space of time not exceeding four hours.

XIV. *And be it further enacted* by the authority aforesaid, That all fines and forfeitures imposed and recovered by virtue of this Act, shall be paid, one moiety to the person who shall sue for the same, and the other moiety to the church-wardens of St. Philip's parish, for the use of the poor of the parishes of St. Philip and St. Michael, Charlestown; and the clerk

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of the said market, and the constables of Charlestown, are hereby required to be aiding and assisting to the commissioners aforesaid, and every of them, in the due execution of this Act, and every thing therein contained, upon pain of being discharged from their several offices.

XV. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall be sued or prosecuted for any matter or thing by him or them done in pursuance of the directions of this Act, it shall and may be lawful to and for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff or plaintiffs in any such action or suit shall suffer a discontinuance, become non-suit, or a verdict or judgment shall pass against him or them, the defendant or defendants shall be allowed his and their treble costs of suit.

Lamps.

XVI. *And whereas*, lamps will be shortly erected at or near all the public buildings in Charlestown, at the public expense; and many of the inhabitants of the said town have lately caused lamps to be put up to the front of their houses, and the same is daily increasing, to the great convenience of the public, some of which lamps have been lately broke by mischievous and ill disposed persons. *Be it therefore enacted* by the authority aforesaid, That if any person or persons shall hereafter break any of the said lamps, public or private property, already set up, or which shall hereafter be set up in the said town, shall, on conviction, forfeit for every such offence, the sum of twenty pounds, currency; to be recovered before any magistrate, according to the direction of the Act for the trial of small and mean causes; and in case any person or persons who shall be legally adjudged to pay the penalty as aforesaid, shall neglect or refuse to pay the same immediately, together with the costs of such adjudication, such persons shall be committed to the common goal in Charlestown, there to remain until the said penalty and costs, and the charge of such detention, shall be fully paid and satisfied. And in case any slave shall commit the said offence, and shall be lawfully convicted thereof, he or she shall be publicly whipped through Charlestown, not exceeding thirty-nine lashes, by the direction of any magistrate, unless the owner of such slave shall redeem the punishment by paying a fine of twenty pounds; and that one moiety of the said sum or sums so to be recovered, shall be paid to the informer, and the other, if it be a public lamp or lamps that shall be broke, to the public treasurer, towards paying the expense of the said lamps; but if it shall be a private lamp or lamps, to the owner or owners of such lamps.

XVII. *And be it further enacted* by the authority aforesaid, That this Act shall be and continue of force for five years after the passing thereof, and from thence to the end of the next session of the General Assembly, and no longer.

P. MANIGAULT, *Speaker.*

In the Council Chamber, the 7th day of April, 1770.

Assented to: WM. BULL.

APPENDIX.

By the first clause of the Act of 7 May, 1743, "to prevent stealing of horses and neat cattle, &c," 3rd volume, 603, so much of the Statute, 1 Edw. 6, ch. 12, as relates to the felonious stealing of horses, geldings and mares, is made of force; it also makes of force the Statute, 2 and 3 Edw. 6, ch. 33, which Dr. Cooper did not include in his reprint of the English Statutes made of force. The omission is now supplied.

A BILL FOR HORSE AND HORSE STEALERS.

FORASMUCH as it is and hath been ambiguous and doubtful upon the words mentioned in one Act of Parliament, made in the first year of the reign of our Sovereign Lord the King, whether that any person being in due form of the laws found guilty, or otherwise attainted or convicted, for felonious stealing of one horse, gelding or mare, ought to be admitted to have or enjoy the privilege and benefit of his clergy and sanctuary. Therefore it is declared and enacted, by the King our Sovereign Lord, and the Lords and Commons in this present Parliament assembled, and by the authority of the same parliament, That all and singular person and persons feloniously taking or stealing any horse, gelding or mare, shall not be admitted to have or enjoy the privilege or benefit of his or their clergy or sanctuary, but shall be put from the same, in like manner and form as though he or they had been indicted or appealed for felonious stealing of two horses, two geldings or two mares, of any other, and thereupon found guilty by verdict of twelve men, or confessed the same upon his or their arraignment, or stand wilfully or of malice mute.

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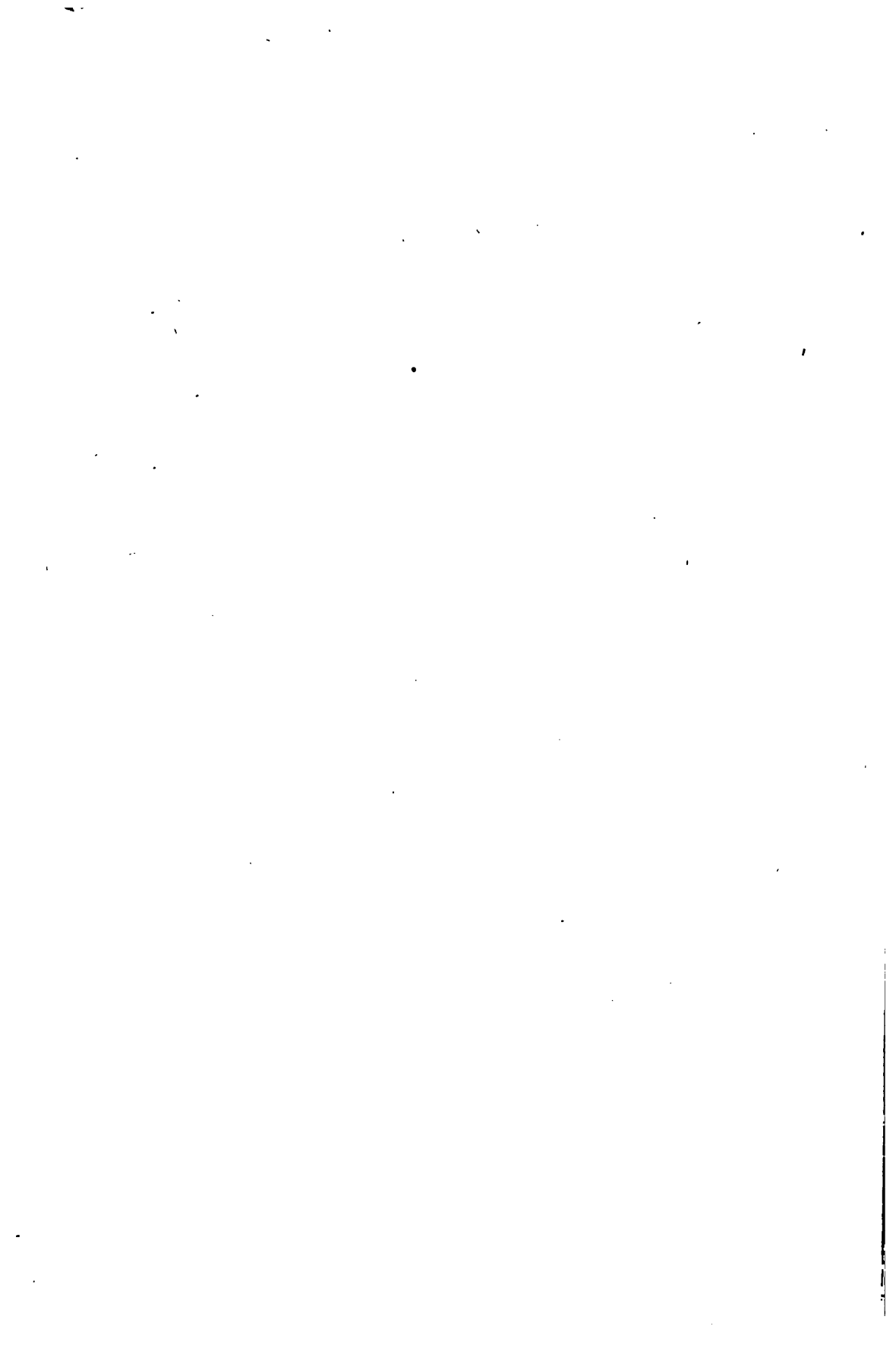
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(THE BANK ACT.)

AN ACT FOR RAISING THE SUME OF FIFTY-TWO THOUSAND POUNDS, BY STAMPING AND ESTABLISHING NEW BILLS OF CREDIT, AND PUTTING THE SAME OUT TO INTEREST, IN ORDER TO CALL IN AND SINK THE FORMER BILLS OF CREDIT, AND THEREBY GIVE A FARTHER ENCOURAGEMENT TO TRADE AND COMMERCE.

WHEREAS, the publick debts occasioned by the vast charges to which this Province for these several years past hath been subject and liable, that is to say, by the late expedition against St. Augustine, the fortifying Charles Town, and building Johnson's fort, the invasion by the French and Spaniards, in the year 1706, and the assistance lately given to the inhabitants of North Carolina, are become at last so great, burthensom and considerable, that there is no hopes or probability the same can be discharged in any tolerable time by the publick duties and incomes of this Province; and that it is also impracticable, especially at this time, to discharge and defray the same, by the ordinary method of imposing a tax on the estates, stocks and abilities of the inhabitants of this Province, without pressing too hard upon them. Therefore, on so extraordinary an occasion, and following the example of many great and rich countries, who have helped themselves, in the like streights and exigencies, with funds of credit, which have effectually answered the ends of money, and thereby given a quick circulation and encouragement to trade and commerce—

Preamble.

I. *Be it enacted*, by his Excellency the Palatine, and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Charles Town for the south-west part of the said Province, and by the authority of the same, That from and immediately after the ratification of this Act, it shall and may be lawful to and for Colonel Thomas Broughton, Arthur Middleton, Esquire, Richard Berisford, Esquire, Colonel William Rhett, Colonel George Logan, Landgrave Joseph Morton, Captain Peter Slann, Mr. Benjamin Godin, and Captain Christopher Wilkinson, commissioners thereunto appointed, who are hereby required and empowered to choose a president, and then to undertake and perform the same, to make, or cause to be made, a certain number of bills of credit, the lowest beginning at five shillings, and the highest not exceeding twenty pounds, amounting, in all, to the sume of fifty-two thousand pounds; which said bills, when stampd, signed and sealed, shall, by the commissioners aforesaid, or any five of them, be made use of as follows, that is to say :—with the sum of sixteen thousand pounds, they shall call in and cancel and put on a file, all the former bills of credit, except the last bills that were stampd for carrying on the expedition against the Northerne Indians, by an Act ratified in open Assembly the 10th day of November, 1711, amounting to four thousand pounds; and the funds of the said bills called in and canceled and filed, are hereby ordered and

Comm'rs to
issue bills of
credit to
amount of
£32,000.

£16,000 there-
of disposed of.

A.D. 1712.

declared to be disposed of, for and towards the sinking the bills hereby established and ordered to be given in exchange for the same old bills, and on no other account whatsoever.

II. *Be it further enacted* by the authority aforesaid, That thirty-two thousand pounds shall, by the commissioners aforesaid, or any five of them, be let out to interest, to such person or persons as hereafter shall be directed and appointed.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, and they, or any five of them, are hereby directed and empowered to lend and put out to interest, the said sume of thirty-two thousand pounds, to such person or persons as are willing to take up the same, at the interest and on the terms hereafter in this Act particularly set forth and expressed, and not otherwise.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any five of them, shall not lend or put out to interest to any one person, before the expiration of seven months after all the said bills are stampd and begun to be given out, any number of the said bills under the sume of one hundred pounds, nor exceeding the sume of three hundred pounds.

V. *And be it further enacted*, That each person who is desirous to take up only the sume of one hundred pounds, and so in proportion, shall, before he receives the same, first apply himself to the said commissioners, or any five of them, and offer his security; and if the said person and his security be approved of by them, or any five of them, who are judges thereof, and to whose discretion the same is hereby wholly referred, the said commissioners, taking care that the person offering himself to be security as aforesaid, be worth double the money taken up by himself, and for which he becomes security for another as aforesaid, he shall then enter into bond with such security, jointly and severally, proportionable to the sume taken up, in the penalty of two hundred pounds, current money, payable to the commissioners aforesaid, or any five of them, for the time being, for the use of the publick, conditioned for the true payment of one hundred and fifty pounds, like current money, and so proportionable for a greater or lesser sume, in twelve years next succeeding the date of the said bond, to the commissioners aforesaid, or any five of them, for the use of the publick, the sume of twelve pounds tenn shillings per annum, by even and equall payments, and so in proportion for any greater sume; or if the said commissioners shall think fitt, they may insist upon having the negroes and land of such person takeing up moneys, mortgaged to them, or any five of them, in double the value of the sume taken up, for the use of the publick; by which means the principal sume of one hundred pounds will not only be repaid into the public treasury at the expiration of the term aforesaid, but there will be a gain of fifty pounds made to the advantage of the publick on each hundred pounds so lett out as aforesaid.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid, or any five of them, having taken bond or mortgage after the manner aforesaid, for any sume not exceeding three hundred pounds as aforesaid, they shall lend the said sume to the persons whose bonds or mortgages they have taken, shall, by the Secretary, be entered the said loan in a book kept for that purpose; which entry shall be looked upon to be as good and firme a record as if the same were entered at large in any books of records in this Province; any law, custom or usage to the contrary notwithstanding.

VII. *And be it further enacted* by the authority aforesaid, That in case the sume of twelve pounds tenn shillings aforesaid, which is the sume

For every £100 taken, bond to be given to the comm'rs, for the use of the publick, in the penalty of £200, conditioned for the payment of £150, and so in proportion, in 12 years.

Loans to be recorded.

yearly to be paid for each hundred pounds so taken up as aforesaid, remaine behind and unpaid to the commissioners aforesaid, or any five of them, by the time and space of tenn days after the expiration of each year, during the twelve years aforesaid, it shall then be lawful for the chief justice, at the request of the commissioners, or any five of them, who are hereby ordered and appointed to make such request, to issue out an execution for the said sume of twelve pounds tenn shillings per annum, and so *toties quoties*, as the said twelve pounds tenn shillings shall become due and payable; and the chief justice aforesaid, upon such request, is hereby impowered, required and commanded to grant the same; and the said execution so granted, shall be as effectual, to all intents and purposes, in the law, without any other previous proceedings, as if the term of twelve years aforesaid was elapsed and expired.

A. D. 1712.

In case of failure of payment, execution to issue.

VIII. *And be it further enacted* by the authority aforesaid, That if the aforesaid sume of thirty-two thousand pounds shall not be taken up at interest within the space of seven months, and in manner above directed, that it shall then be lawful for the commissioners aforesaid, or any five of them, to lett out the remaining part of the said bills, in such proportions, and to such person or persons who shall take the same, and give security by bond or mortgage as is aforesaid, not exceeding five hundred pounds to any person whatsoever, in the whole.

In case the £32000 be not loaned in seven months.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid, or any five of them, are hereby required, by their Secretary, to keep an exact and distinct account of all such sumes of money as they, yearly, shall, from time to time, receive or recover by virtue of the bonds or mortgages aforesaid, and the same shall, from time to time, be compared with the counter-parts canceled, and put on a file to be kept for that purpose, and a particular account thereof shall render to the Commons House of Assembly, when and as often they shall be by them thereunto required.

Commrs to render accounts.

X. *And be it further enacted*, That in case any person having taken up any of the said bills of credit, on the condition and according to the termes aforesaid, and being afterwards desirous to returne the same into the hands of the commissioners aforesaid, or any five of them, at any time before the expiration of the said terme of twelve years, it shall be lawful for such person so to do, makeing a just allowance for the time he was possessed of the publick money, according to the proportion aforesaid, he finding one other person to make a mortgage or enter into bond, with such sufficient security to the commissioners aforesaid, or any five of them, as is above directed by this Act, for the remaining part of the said sume which he was obliged to pay as aforesaid, according to the conditions and termes aforesaid, then the commissioners aforesaid, or any five of them, are hereby required to cancel, make void, and deliver up the other bond, mortgage or security, by such person entered into as aforesaid; any thing in this Act, or the condition of such bond, to the contrary notwithstanding.

Persons may pay before expiration of the 12 years.

XI. *And be it further enacted* by the authority aforesaid, That in case the person that becomes security for any one, as is before directed by this Act, shall depart this Province at any time before the expiration of the terme of years limited in the bond wherein he becomes security, the principal person and his security shall, before the departure of such security, procure, and offer to the commissioners aforesaid, such other security as they, or any five of them, shall approve of, in the room of the first security so intending to go off and depart as aforesaid.

Security may be changed.

XII. *And be it further enacted* by the authority aforesaid, That in case any of the commissioners appointed by this Act shall happen to die, go

A. D. 1712.

In case of vacancy.

off, or refuse to transact the business of this Act, it shall be lawful for the remaining commissioners, and they, or any five of them, are hereby appointed and empowered to choose another commissioner or commissioners in the room of such commissioner or commissioners as shall so dye, go off, or refuse to act, as aforesaid; and the person or persons so chosen commissioner or commissioners as aforesaid, shall have the same power and authority for transacting the business of this Act, as if they were named in the body of the same, and shall be under the same oaths, penalties and forfeitures as the commissioners named in this Act are liable and subject to, and so shall continue until removed by a vote of the House of Commons.

Counterfeiting.

XIII. And to prevent the counterfeiting the said bills by ill disposed persons, *Be it enacted* by the authority aforesaid, That if any person or persons shall counterfeite any of the said bills, or knowing any of them to be false or counterfeite, shall offer the same in payment, then and in such case the counterfeiters, or any one aiding or assisting him or them in disposing of the said bill or bills, being thereof duly convicted, shall be punished as guilty of felony, and suffer as a felon, without benefit of the clergy.

XIV. And the better to prevent the counterfeiting of the said bills, *Be it enacted* by the authority aforesaid, That all the bills of credit to be made, appointed and established by this Act, shall be indented, and a counterparte of the indenture kept, fairly bound in a book, by the commissioners aforesaid, or any five of them; and also, the bills shall each of them be numbered, and the counterparte of the indenture shall have the same number as the bills, that if any person do suspect or question any of the said bills to be faulty or counterfeited, they may compare them with the counterparte of the indenture; and the commissioners aforesaid are hereby ordered and required to have the said book always in Charles Town, to remain with the secretary for transacting the business of this Act, ready to produce to any person requiring the same, to compare his or their bill or bills, without any fee or reward; and besides the said indenture and number on the said bills and counterparts, the said bills, and every of them, shall be signed and sealed by the commissioners aforesaid, or any five of them; and a different stamp to be fixed with a screw to every bill of a distinct denomination, and all necessary means used to make the same secure from counterfeiting, before any of them are issued out in payment, according to the discretion of the commissioners, or any five of them.

Oath of commissioners.

XV. *And be it further enacted* by the authority aforesaid, That the commissioners hereinbefore nominated, and every of them, shall, before they sign and make the said bills, or any of them, take the following oath, viz: "You shall sincerely promise and swear, that you will well and truly execute the powers and authorities given you by an Act entitled 'An Act for raising the sum of fifty-two thousand pounds, &c.' That you will postpone no person nor his business for malice, nor give any undue preference for favour, affection, or any other consideration whatsoever."

Penalty for neglect.

XVI. *And be it further enacted*, That if any of the said commissioners, having taken his oath as aforesaid, shall afterwards refuse or neglect to perform his duty in the execution of this Act, or any part thereof, without some reasonable excuse, to be approved by the rest of the said commissioners, or any five of them, every commissioner so neglecting or refusing, shall forfeit the sum of five pounds for every such neglect or refusal, to be recovered by bill, plaint or information, in any court of record within this Province, wherein no protection, injunction, privilege or wager of law,

shall be allowed or admitted; one moiety thereof to be paid into the hands of the public receiver, for the use of the public, and the other moiety to him or them that shall inform and sue for the same.

A. D. 1712.

XVII. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any five of them, are hereby impowered and authorized to draw upon the public receiver for such sum and sums of money as the charges of stamping and finishing the said bills shall amount to, who is hereby impowered and required to pay the same.

XVIII. *And be it further enacted* by the authority aforesaid, That all and every the said bills of credit made and established by this Act, shall be current for the sums of money therein mentioned, and shall be taken, after the ratification of this Act, to be a good payment and tender in law, and may so be pleaded in any court in this Province, or before any justice of the peace, for any sum under forty shillings; and any person who shall refuse to take and receive the same in payment, he, she or they so refusing, shall forfeit double the value of the bill or bills so refused, one half to such person or persons, if above forty shillings, who will sue for the same, by bill, plaint or information, in any court of record within this Province, wherein no essoign, protection or wager of law shall be allowed; the other half to the vestry of Charles Town, for the use of the poor; and if the said forfeiture shall be under forty shillings, shall be recovered as in the Act for the trial of small and mean causes is directed.

The bills declared current.

XIX. *And be it further enacted* by the authority aforesaid, That if the commissioners aforesaid, or any five of them, shall have reason to question or suspect the title of any person or persons who are willing to take up any sum or sums of money according to the meaning of this Act, to any lands or negroes which he or they shall offer for the security of the same, which he or they intend to take up, that then and in such case, such person or persons, if required by the commissioners, or any five of them, shall bring down their plots, grants, and other writings relating to the titles of the said lands, as also make appear the right and property he or they have to the negroes or slaves, and answer all such questions, upon oath, to be administered by the commissioners, or any five of them, which they, or any five of them, are required to administer, concerning their titles of their lands and slaves; and upon any false oath made to such questions, the person making such oath shall be prosecuted as in cases of perjury by any statute or common law in force in the Kingdom of England or in this Province.

Borrowers to prove title to mortgaged property.

XX. *And be it further enacted* by the authority aforesaid, That if any person or persons, he or they having taken up the public monies aforesaid, and having mortgaged any slaves and land to the commissioners aforesaid, or any five of them, for the security of the payment of such sum so taken up, shall, after having so done, make any other or further mortgage of the said lands and slaves, that then and in such case, such latter mortgage or sale, or other conveyance or alienation whatsoever, shall be void and of none effect, in respect of any private person or persons as shall have bought or purchased, or to whom the sale has been made over, and the mortgage for the public security shall be good and valid to all intents and purposes; any law, custom or usage to the contrary in any wise notwithstanding.

No other mortgage to be made.

XXI. *And be it further enacted* by the authority aforesaid, That Henry Wigington, Esq. is hereby nominated and appointed secretary for transacting the business of this Act, who, at his admission into the said office, shall take an oath, before any one justice of the peace, for the faithful executing his said office, in manner following, viz: "You do sincerely pro-

Secretary nominated.

- A. D. 1712.** *mise and swear that you will well and truly execute and perform the duty and office of secretary, according to the trust reposed in you by an Act entitled 'An Act for the raising the sum of fifty-two thousand pounds, &c.,' to the utmost of your skill and knowledge, and that you will not take any fee or reward whatsoever, for procuring any sume or sumes of money out of the said sume of fifty-two thousand pounds, for any person or persons whatsoever."* And the said secretary shall lawfully have and receive, for his paines and trouble in doing the business of this Act, the sume of tenn shillings, to be paid by each person who takes up any sume of money by virtue of this Act, for every security by bond or mortgage, or both, which he shall write, for the sure payment of the publick money aforesaid; and shall continue secretary till removed or displaced by a vote of the House of Commons.
- His duty.** *XXII. And be it further enacted by the authority aforesaid, That the commissioners aforesaid, or any five of them, shall deliver to the publick receiver, for the use of the publick, the sume of four thousand pounds, out of the sume of fifty-two thousand pounds, to answer the contingent charges and expenses of the publick.*
- £4,000 appropriated.** *XXIII. And be it further enacted by the authority aforesaid, That in six months after the said sume of fifty-two thousand pounds are stamp and delivered to the commissioners aforesaid, or any five of them, for the uses and purposes hereinbefore sett forth and declared, all and every other Act or Acts of the General Assembly which concerne any bills of credit, (except as before in this Act is excepted,) are hereby declared null and void, repealed, and made of none effect, to all intents and purposes whatsoever; any thing in the same, or any of them, contained, to the contrary hereof in any wise notwithstanding.*
- Other Acts repealed.** *XXIV. And be it further enacted by the authority aforesaid, That the commissioners and secretary before named, shall each of them have and receive, out of the publick treasury, the sume of tenn shillings for every day they shall sitt to transact the business of this Act, and that their order on the publick receiver for the same shall be paid by the said receiver, and he is hereby ordered and required to pay the same.*
- Pay of commissioners.** *XXV. And be it further enacted by the authority aforesaid, That the commissioners aforesaid, or any five of them, appointed by this Act to transact the business thereof, shall meet together at some certaine house in Charles Town, within tenn days next after the ratification of this Act, in order to agree with some fitt person or persons for stamping the said bills; which bills being stamp, signed and sealed, the commissioners aforesaid, or any five of them, shall give publick notice thereof, and of the times in which they intend to sitt and give out the same.*
- When to meet, &c.** *XXVI. And be it further enacted, That the commissioners above named, or any five of them, shall first meet to give out the bills of credit, and to take the securities above mentioned, the first day of November next, and shall sitt not exceeding the space of sixteen days, and shall meet the second time upon the first day of February next, and shall sitt to lend out the bills and take the securities aforesaid, not exceeding the space of tenn days; and shall meet the third time for the purposes aforementioned, the first day of May next, and shall sitt not exceeding tenn days; and shall meet the fourth time upon the first day of August next, for the purposes aforesaid, and shall sitt not exceeding tenn days.*
- XXVII. And be it further enacted, That all the bonds and mortgages taken for the bills of credit given out in any of the months aforesaid, shall bear date the first Tuesday of that month in which they were given out.*
- XXVIII. And be it further enacted, That after the expiration of the*

first four quarterly meetings mentioned, it shall then be lawful for the commissioners aforesaid, or any five of them, to hold four quarterly meetings in the year, at each whereof they shall sitt three days, to transact the business of this Act, and that the first Tuesday in November, the first Tuesday in February, the first Tuesday of May, and the first Tuesday of August, shall be the days upon which the said quarterly meetings shall begin to be held, after the first four meetings are held as above directed.

A. D. 1712.

XXIX. *Be it further enacted* by the authority aforesaid, That if any of the commissioners aforementioned shall borrow any of the said bills of credit, he shall withdraw himself from sitting at the board during the time that any affair relating to himself is under consideration, and shall give bond and security for such sume as he shall so borrow, to the remaining commissioners, or any five of them, after the same manner as all other persons are directed to do by this Act.

In case of commissioner borrowing.

XXX. *Be it further enacted* by the authority aforesaid, That as soon as the commissioners aforementioned, or any five of them, shall have seen the sume of fifty-two thousand pounds in bills of credit stampd, signed and sealed, after the manuer above directed, they shall order the plates, stamps and seales to be defaced in their presence, and such spare bills as are not signed, to be burned.

*Read three times, and ratified in open Assembly,
the seventeenth day of June, Anno Domini 1712.*

CHARLES CRAVEN,
CHARLES HART,
ARTHUR MIDDLETON,
THOMAS BROUGHTON,
RICHARD BERESFORD,
SAMUEL EVELEIGH.

AN ACCOUNT OF THE RISE AND PROGRESS OF THE
PAPER BILLS OF CREDIT IN SOUTH CAROLINA, FROM
THE YEAR 1700 TO THIS PRESENT TIME, TOGETHER WITH
THE COMPUTED VALUE, IN MONEY OF GREAT BRITAIN,
OF SUCH BILLS, AT THE RESPECTIVE TIMES OF THEIR
CREATING AND ISSUING, AND THE VALUE OF SUCH BILLS
IN MONEY OF GREAT BRITAIN AT THIS TIME; AND
ALSO, AN ACCOUNT OF THE RATES AND PRICES OF GOLD
AND SILVER COIN IN THE PROVINCE OF SOUTH CAROLINA,
IN THE YEARS 1700, 1710, 1720, 1730, AND AT THIS
PRESENT TIME.

Augustine expedition. The first paper money that issued in the Province of South Carolina, was by virtue of an Act of the General Assembly, passed the eighth day of May, one thousand seven hundred and three, intituled "An Act for raising the sume of four thousand pounds, on the real and personal estates, and of and from the profits and revenues, of the inhabitants of this Province, and establishing bills of credit, for satisfying the debts due by the public, on account of the late expedition of St. Augustine."

By this Act six thousand pounds in bills of credit were stampd and issued, bearing an interest of twelve per cent per annum from the date of the bill to the time the same was paid to the public receiver; and the said bills were to be sunk and cancelled by the tax raised by that Act, (that is to say,) two thousand pounds to be raised and paid on the first of February, one thousand seven hundred and three, and two thousand pounds on the first of February, one thousand seven hundred and four, and the other sume of two thousand pounds, being the remainder of six thousand pounds, by the duties arising by an Act made on the sixth day of May, one thousand seven hundred and three, intituled "An Act for laying an imposition on furs, skins, liquors, and other goods and merchandizes, imported into and exported out of this Province, for raising of a fund of money towards the defraying the public charges and expences of this Province, and paying the public debts due for the expedition against St. Augustine."

By an Act past twentieth December, one thousand seven hundred and three, the public receiver is directed to cancell three thousand pounds of the former bills when the tax assessments shall be raised, and one thousand pounds in bills

£8,000 in paper bills of credit, bearing an interest of 12 per cent, to be cancelled and sunk by tax.

£2,000 1703.

2,000 1704.

2,000 by

dutys.

£6,000

£4,000 sterling money. The exchange between London and South Carolina was at this time £150 Carolina money for £100 sterling, or 50 per cent advance.

£1,000 only to be sunk, the rest continued.

at 12 per cent is continued current, any limitation in the former Act notwithstanding.

And by an Act, passed fourth November, one thousand seven hundred and four, reciting "that great part of the money and bills appropriated by the before recited Acts for particular uses, viz. calling in and sinking the bills of credit, had, for the immediate service and necessary defence of the Province, been, by order of the General Assembly, made use of for other uses than they were appointed for and appropriated to by the said Acts," it was enacted that such payments should be deemed legal, and the receiver was indemnified and acquitted, as fully as if he had duly applied the same to the uses appointed by the Acts first recited.

The bills of credit continued until the 10th March, 1705. A tax of £4000 raised to sink them.

On the same fourth day of November, one thousand seven hundred and four, another Act passed for raising the sum of four thousand pounds, on the real and personal estates, and of and from the profits and revenues of the inhabitants of this Province, to pay and cancel the bills of credit now outstanding. This Act recites "that the urgent necessity of fortifying Charlestown, and other occasions for the defence of the Province against the common enemy, had exhausted the public treasury, and prevented the calling in and sinking the bills of credit, therefore it was enacted that the bills should continue current, and a tender in law, with the interest of 12 per cent, until the 10th day March, 1705; and a tax of four thousand pounds was imposed, payable on the 9th day of March, 1705, and appropriated for calling in the bills of credit which were then outstanding; and a penalty was laid on the public treasurer, that if he misapplied any of the sums so appropriated, that he should forfeit treble the value of the sum misapplied, and should be rendered incapable of holding any office in the government.

Bills of credit continued.

But after the passing this Act, another Act was made, on the ninth day of April, 1706, intitled "An Act for the sooner and more secure payment of the debts owing by the public, and for the continuing the currency of the bills of credit, commonly called country bills."

Funds suspended.

By this Act, all taxes laid by any former Acts of Assembly, and the duties imposed by the Act passed the sixth of May, 1703, (except such as were thereby appropriated for payment of the clergy's salaries,) which had been established as a fund for sinking the bills of credit, were now applied to the payment of the public debts, and all the bills of credit outstanding and uncanceled were continued and made current, and three-fourths of the duties before mentioned (after the payment of the public debts and the clergy's salaries,) were appropriated towards the sinking and discharging the bills of credit, and the remaining fourth part of the said duties were to be disposed of by order of the General Assembly, for the contingencies of the government.

Applied to payment of the public debts.

And only 3/4 of duties after payment of the public debts.

A new emission of £8,000.

The next Act which relates to the emission of paper currency, was passed the fifth July, 1707, and is entituled "An Act to make and establish bills of credit, for raising the sum of eight thousand pounds, for satisfying the debts due by the public on account of the late invasion; for finishing the for-

tifications about Charles Town; to revive the several Acts therein mentioned; and to call in the former bills of credit."

Applied to payment of public debts.

By this Act, not only £8,000 in new bills were issued for £5,333 6s. 8d. money of Great Britain, exchange, 50 per cent advance.

Old bills continued.

and this Act revives the duty Act passed the sixth May, 1703, and the additional Acts made to that Act, and then enacts that all moneys remaining in the public treasury, together with all outstanding taxes imposed by any former Acts of Assembly, and the duties and impositions thereafter to be paid, and the overplus of the money for minister's salaries not disposed of, shall be applied towards payment of the public debts, and sinking the new bills established by that Act. This Act also repeals the Act for raising of £4,000, passed 8th May, 1703.

The duties and taxes first applied to payment of debts, and after to sink the bills.

The Act last abovementioned was made of force for two years, but was continued for four years, by an Act passed 12th July, 1707; and by another Act passed 14th February, 1707, intituled "An Act for the better enabling the Govern-

Value in money of Great Britain 666 pounds 13s. 4d.

nour, or the Governour for the time being, to raise a force against our public enemies, and to raise money to defray the charges of the same, by establishing bills of credit," a further sum of £3,000 was issued in bills of credit, £2,000 of which was to exchange part of the old bills, which were too large, and the other £1,000 was to remain in the treasury, to answer the emergencies of the government; and the duties continued by the Act 12th July, 1707, were further continued to the 12th July, 1712, and from thence to the end of the next session of the General Assembly, and were also applied for sinking the bills newly issued.

£3,000 issued. £2,000 to change old bills. 1,000 pounds for the government.

Duties continued.

Duties continued. 3,000 pounds more issued. 1,000 pounds to sink old bills.

A very short time after passing this Act, (to wit,) on the 24th April, 1708, an Act passed for raising the sum of five thousand pounds; by this Act a further sum of £5,000 in bills of credit were issued, to be ready in the public receiver's hands to answer all emergencies; and for a fund to sink them, the duties imposed by the former Acts were continued

£3,333 pounds 6s. 8d. in money of Great Britain, exchange 50 per cent advance.

2,000 pounds added to the paper currency for payment of public debts.

to the 12th day of July, 1714, and from thence to the end of the next session of the General Assembly. On the 1st day of March, 1710, an Act passed for raising the sum of £3,000 in small bills, for the sinking one thousand pounds of the former bills, and two thousand pounds for and towards the payment of the debts due from the public, and to appoint a fund for the same. The title of this Act bespeaks the use for which it was designed; another sum of £3,000 in bills of credit were stamped and issued, £1,000 of which was exchanged for the old bills, and £2,000 were added to the former paper currency, and were emitted towards payment of the public debts; and for a fund for sinking this additional sum of £2,000, the duties imposed by former Acts were again continued to the 12th July, 1716, and from thence to the end of the next session of the General Assembly.

1,333 pounds 6s. 8d. in money of Great Britain, exchange at 50 per cent advance.

Duties continued.

The next emission of paper bills of credit, was said to be in consideration of the great expence the Province had been at in building fortifications, and for assisting the inhabitants

of North Carolina against the Indians, who were then at war with them, with twenty white men and such Indians as could be raised. On these considerations an Act passed the 10th day of November, 1711, "for raising the sume of four thousand ^{2,666 pounds 13s. 4d. money of Great Britain.} pounds, by laying sundry additional duties on liquors and other goods and merchandizes, for carrying on an expedition against the northern Indians, enemies to the Crown of Great Britain, and for the aiding and assisting the inhabitants of North Carolina, who are now actually invaded by the said Indians."

The £4,000 issued in paper bills by this Act, are directed to be sunk by an additional duty on liquors and other merchandizes, which were to be levied only till the bills emitted by this Act were cancelled; and the bills issued by virtue of this Act were commonly called Tusquerora bills, from the name of the Indians who made war against the people of North Carolina.

On the seventh day of June, 1712, there was passed "An Act for raising the sume of £52,000, by stamping and establishing new bills of credit, and putting the same out to interest, in order to call in and sink the former bills of credit," commonly called the Bank Act. From the year 1703 to the time of passing this Act, by the various emissions of bills of credit at the several times hereinbefore mentioned, there had been issued £29,000, which, either by a partial application of the funds appropriated for sinking them, by the exchanging old bills for new, or by bills lost or destroyed by accident, were, at the time of passing this Act, reduced to 16,000, exclusive of the Tusquerora bills, amounting to £4,000.

Viz. Issued by Act 8th May, 1703,	£6,000
5th July, 1707,	8,000
4th February, 1707,	3,000
24th April, 1708,	5,000
1st March 1710,	3,000
	<hr/>
	£25,000

Exchanged by Act 14th February, 1707,	£2,000
1st March, 1710,	1,000
Sunk by part of the funds, or lost and destroyed,	6,000
Remains,	16,000
	<hr/>
	£25,000

In the preamble of the Bank Act, it is declared "that the public debts, occasioned by the vast charges to which the Province for several years past had been subject and liable, (that is to say,) by the late expedition against St. Augustine, the fortifying Charles Town, and building Johnston's fort, the invasion by the French and Spaniards, in the year 1706, and the assistance lately given to the inhabitants of North Carolina, were become at last so greatly burthensome and considerable, that there was no hopes or probability that the same could be discharged in any tolerable time, by the public

duties and incomes of this Province; and that it was also impracticable (especially at that time,) to discharge and defray the same by the ordinary method of imposing a tax on the estates, stocks and abilities of the inhabitants of the Province, without pressing too hard upon them;" therefore certain commissioners in the Act named, were directed to stamp and issue £16,000 for exchanging the old bills, £32,000 to be let out at interest, payable in 12 years, at £12 10s. per cent per annum, which was to sink both principal and interest at the end of that term; and £4,000 was also directed to be issued for the contingencies of the government. The fund which had been established for sinking the bills which were directed to be called in and cancelled, was by this Act ordered and declared to be disposed of, for and towards the bills thereby established, and ordered to be given in exchange for the same old bills; and it was enacted, that in six months after the sume of £52,000 was stamped and delivered to the commissioners, all other Acts of the General Assembly which concerned any bills of credit, (except the bills stamped for carrying on the expedition against the northern Indians, commonly called Tusquerora bills,) were thereby declared null, void, and made of none effect to all intents and purposes whatsoever; so that after this Act took place, the bills of credit stood as follows, viz:

For calling in and cancelling and exchanging the old bills outstanding,	£16,000
To be placed at interest according to the terms of the Act,	32,000
For the contingencies of the government,	4,000
	<hr/> £52,000

The Tusquerora bills, excepted out of the Bank Act, and remaining on their first establishment, . . . £4,000

The currency amounts to 56,000 pounds.

The whole currency, 1712, . . . £56,000

On the 27th August, 1715, passed an Act to raise forces to prosecute the war against our Indian enemies; and to stamp bills of credit for the payment of the army, and discharging the charges of the war, and to ascertain a fund for cancelling the same bills, and to appoint courts marshal, &c.

30,000 pounds more stamped, 86,000 in all.

By this Act, a further sume of £30,000 in bills of credit were stamped and issued; and it was provided by this Act, that in order to strengthen the currency of the bills newly issued, a fund should be provided for sinking the same by a tax; and accordingly, on the same 27th day of August, there was passed an Act to raise the sume of £30,000 on the real and personal estates of the inhabitants of this Province, in order to sink the sume of 30,000 in bills of credit.

Of the value of 15,000 pounds money of Great Britain, exchange having got up to 100 per cent advance.

By this last Act, a tax of £30,000 was to be raised on or before the first Tuesday in April, 1717, and was then raised, to be applied to the sinking and cancelling the said sume of £30,000.

On the 24th day of March, 1715, another Act passed for issuing a further sume of £5000 in bills of credit, but no

provision was by this Act made for sinking or cancelling the same. This Act was continued only to the 20th of November, 1716.

Taxes not
raised.

But before the time limited was expired, that is to say, on the 30th June 1716, another Act was passed, to continue the currency of £30,000 in bills of credit, and also, to stamp the sume of £15,000 in bills of credit. In the reciting part of this Act it is taken notice, "that by reason of the late troubles and confusions occasioned by the Indian war, and for that diverse of the estates and effects of the inhabitants lying on the frontiers and being exposed to dangers, so that the tax appointed to be raised by the Act made 27th August, 1715, for sinking the said sume of £30,000 in bills of credit lately issued, that said Act is therefore repealed and declared void. And this Act further recites, that there is a necessity for giving a further currency to the aforesaid £30,000 in bills, and also, to the £5000 issued by the abovementioned Act of the 24th of March 1715; and that the said bills could not be suddenly sunk, without laying too great and insupportable a tax and burthen on the inhabitants; therefore, the currency of the said £30,000 and £5000, were continued till such time as they should be called in and sunk by Act of Assembly. £95,000 was intended to be raised by this Act. It is further recited that the aforesaid sume of £30,000 and £5000, have been expended in defraying the charges of the Indian war, and that the treasury was almost exhausted, and that it was necessary that the further sume of £15,000 should be forthwith provided for payment of the soldiers and other charges of the war; therefore, certain commissioners in the Act named, were authorized to stamp and issue, in bills of credit, an additional sume of £15,000, to be paid and applied for the purposes aforesaid.

A further sume
of £15,000
stamped and
issued.

Computed at
about the value
of £3000, mo-
ney of Great
Britain, the ex-
change being
uncertain, but
rising very fast
at this time.

As a fund to support and strengthen the currency of the bills lately emitted, now amounting to £50,000, over and besides the bills issued by the Bank Act, and the £4000 in Tusquerora bills, amounting to £56,000, a tax of £95,000 was raised by this Act, at three payments, that is to say:—£85,000 on the 1st Tuesday in March, then next ensuing; £30,000 in March, 1717; and the remaining £30,000 on the 3rd Tuesday in March, 1718; which payments were to be applied in manner following, that is to say:—£15,000, part of the 85,000 directed to be paid in March then next ensuing, was applied to sink and cancel the like sume in bills of credit issued by this Act: £30,000, being the second payment in March, 1717, was appropriated for discharging certain public orders, the amount of which were then uncertain, which had been issued by this Act, and when such orders were discharged, the residue towards the sinking the bills of credit issued by the Act of 27th August, 1715. The last payment, of £30,000 in March, 1718, was applied for sinking the residue of the £30,000 issued by the Act 27th August 1715, and the £5000 issued by the Act 24th March 1715.

When these
taxes were to
be paid, ex-
change was
risen to 300 per
cent. advance,
or £400 cur-
rency for £100,
sterling.

This Act was to continue of force until the taxes should be fully raised and paid, according to the directions of this Act.

Funds diverted
to other uses.

But an Act soon after passed, to wit :—On the 15th day of December, 1716, entitled “An Act for appointing Rangers to guard the frontiers of this Province against the incursions of our Indian enemies, and for making further provision for the garrison at Port Royal and Savannah Town.” The £15,000 which was applied by the Act last above mentioned, for cancelling so much of the bills of credit, was ordered to be paid into the hands of the commissioners in the said Act named, to be applied to other uses in the said Act mentioned.

However, on the 11th day of December, 1717, there was passed an additional Act to An Act to continue the currency of 30,000 in bills of credit, &c., reciting, amongst other things, the Act last above mentioned, and that the said £15,000 in the aforesaid Acts mentioned, was not sunk and cancelled according to the direction of the aforesaid Act, made on the 30th day of June, 1716; and it was found by experience that the multiplicity of bills of credit had been the cause of the ruin of our trade and commerce, and had been the great evil of this Province; and that it ought, with all expedition, to be remedied; and further reciting, that there was outstanding, in bills of credit, over and above the bills commonly called the Bank bills.

	30,000
	5,000
	15,000
Tusquerora Bills.	4,000
	<hr/>

In all 54,000.

Bills resolved
to be sunk.

And further reciting, that the tax of £30,000, which by the Act of 30th June 1716, was intended to be raised and paid in March 1717, would only sink £10,000 of the bills of credit, as the public orders, by the said Act also directed to be paid, with interest thereon, did amount to £20,000; and that it was the resolution of both Houses of Assembly, that the above mentioned bills of credit, the bank bills excepted, amounting to £54,000, should be sunk on or before the 2nd Tuesday in March, which should be in the year of our Lord 1718, to wit :—£24,000 in March then next ensuing, and the remaining £30,000 according to the directions of the said Act made on the 30th June, 1716. It was therefore enacted, that the said Act of the 30th June, 1716, should be carried effectually into execution; and that the sume of £14,000 should be raised as an additional sume to the tax, to supply the deficiency that would be wanting to make up the sume of £24,000, intended to be raised by March next ensuing, viz : By the Act 30th June 1716, was to be raised, for sinking the bills and public orders

	£30,000
The public orders, with interest, amounted to	20,000
Remained for sinking the bills	10,000
Deficiency supplied by the additional tax	14,000

Which is the sume proposed to be raised for the first payment by this last Act £24,000

It appears by this last Act, that all the bills of credit, except the bank bills, should have been cancelled and sunk in March 1718; but by an Act passed 20th February, 1718, en-

The Act for sinking repealed, and a new method proposed, to be sunk in three payments, in rice, at a certain price.

titled "An Act for raising the sume of £70,000 on lands and negroes, for defraying the public debts, sinking the public orders, and for calling in and cancelling the sume of £30,000 which is now outstanding in bills of credit, over and besides the bank bills."—the last above mentioned is repealed and made void, and a new provision is made for sinking the bills by taxes, to be paid at three periods, with liberty that such tax might be paid in Rice at certain prices, limited according to the different times of payment, to wit: On the 2nd Tuesday in March, 1719, £10,000 in Rice, at 30 per cent.

1720, 10,000 in Rice, at 25 per cent.

1721, 10,000 in Rice, at 20 per cent.

Towards the latter end of the year 1719, the people of South Carolina threw off the government of the Lords Proprietors, and chose a new Governour and Council, and during those confused times, some Acts passed relating to paper money.

Sinking the bills deferred.

The first on the 13th February, 1719, intituled an additional Act to An Act for raising the sume of £70,000 on lands and negroes, and for defraying the public debts; by which Act, a year longer was given for sinking the £30,000.

A new currency of £34,000, issued in Rice Bills.

And there were two new emissions of paper bills, commonly called Rice Bills, the one for £15,000, and the other for £19,000, to be sunk in taxes in rice, at 30 s. per hundred.

Computed to be of the value of £6,800, in money of Great Britain, the current exchange at this time being £500 currency for £100 sterling.

Mr. Nicholson, who was appointed provisional Governour by his late Majesty, arrived in this Province in May, 1721, and gave his consent to an Act of Assembly, made on the 21st day of September, 1721, intituled "An Act for raising the sume of £17,248, 6d. on lands and slaves, for defraying the charges of the several forts and garrisons, discharging the public debts, and providing for the other emergencies and contingent charges of the Government."

Rice Bills re-issued.

By this Act, £7000, part of the £15,000 in Rice Bills, which remained in the hands of the commissioners, and were to have been sunk and cancelled in pursuance of the Acts for emission of those bills, were applied in ease of the inhabitants in the tax to be raised the present year, which amounted to £24,248, 6d. besides the sume which the duties were computed to amount to; and the funds which had been appropriated for sinking the old outstanding bills were postponed, and a new provision was made by this Act, that the old bills of credit should be current in all payments; and the sume of £4000 of the said bills of credit, then outstanding, should yearly and every year, be sunk, called in and cancelled, by a tax to be raised on lands and slaves, over and above the several sumes of money to be yearly raised for the support of the Government; the first payment to be made in 12 months after the Bank Act should expire. The Bank Act was passed on the 7th June, 1712, and was to last 12 years, so that the fund hereby appointed could not take place till the year 1725, which was to sink all the old outstanding bills, as they were now indiscriminately blended together; and liberty was given by this Act to all persons to pay in their taxes in paper bills of credit or orders of the General Assembly, though

An emission of
£40,000, addi-
tional bills, in
the whole now
£120,000.

the current and market price of rice was at 40 s. per cept; and the said taxes, by the former Acts, were to be paid in rice, at 30, 25 and 20 s. per cent. But, however, this Act did not last long, for on the 23d February, 1722, another Act was passed, for re-printing the present current paper bills of credit, and for printing the additional sume of £40,000 in bills of credit, for paying the public debts, defraying the contingent charges and other emergencies of the Government to the 25th day of September next.

When these bills were issued, they were of the value of £20,000 in money of Great Britain, the exchange being then at 500 per cent advance.

By this Act and the last Act above mentioned, a new scheme of paper money was introduced, the several species of bills were blended together, and the funds appropriated for calling in and sinking them were laid aside, and another method introduced. An exception must be made to the Bank Act, which had hitherto been punctually complied with, and the money annually sunk according to the direction of that Act, save only the sume of £8000 which was still outstanding, as two years were yet to come before the Bank Act expired.

The reasons given for passing this Act, as they are set down in the preamble, are as follows, to wit:—that it was very uncertain what quantity of bills of credit were then current, many of them being counterfeited, and they being then so old, that it was absolutely necessary that they should be called in and re-printed. And that by reason of the great floods, many of the inhabitants had lost their crops, and most had suffered so much by the same, that they were rendered incapable to pay the yearly tax necessary to be raised for the support of the Government. Therefore, for the re-printing the bills of credit then in the Province, and paying of the public debts, and for providing for the contingent charges of the Government, certain commissioners were appointed to stamp and issue £120,000. And it was provided, that all the bills which should be issued, instead of the bills then outstanding, should be sunk according to their several laws then in being, that is to say:—

According to the Bank Act, passed 7th June, 1712, two years of the twelve for which that Act was passed not being expired. £8000.

And the residue of the said bills were to be sunk at £4000 per annum, pursuant to the Act passed 21st September, 1721, for raising £70,000; and which last part of the said outstanding bills were computed to amount to £72,000

To be paid in to the public treasurer, to be by him applied to the payment of the public debts and charges of the Government to the 25th day of September, 1723, and to be sunk by eight general taxes, of £5000 per annum, the first to be raised in the year 1738, and the last in the year 1745. 40,000

£120,000

The preamble of this Act takes notice, that it was uncertain what quantity of bills were outstanding, but it is evident

that the calculation was made at £80,000, that is to say,

In Bank Bills.	£8000
In bills of different sorts	72,000

£80,000

In new bills added,	40,000
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£120,000

And that the Province might have the full advantage of the whole emission, the Act provided, "That any other sume that might remain in the hands of the commissioners, after they had exchanged the old bills of credit for new, should be likewise paid into the hands of the Treasurer, and should be appropriated to the charges of the Government."

This Act and the former, repealed by their Excellencys, the Lords Justices.

An Act passed for sinking the bills.

The two Acts last above mentioned, were repealed by their Excellencys, the Lords Justices, by an order of Council bearing date the 27th day of August, 1723; upon which, an Act was passed on the 15th February, 1723, intituled "An Act for calling in and sinking the paper bills." This Act recites, "that by an Act of the General Assembly of this Province, intituled An Act for raising the sume of 17, 248 pounds, 6d., and passed 20th day of September, 1721, there was raised the sume of seven thousand pounds, part of the fifteen thousand pounds, commonly called Rice bills; and the persons assessed by that Act, were allowed to pay their tax in bills of credit or orders drawn by the General Assembly; so that the whole sume of fifteen thousand pounds, in Rice Bills, were exchanged and re-issued for the emergencies of the Government; and that by another Act intituled An Act for re-printing, &c., passed the 23d day of February, 1722, an additional sume of forty thousand pounds in bills of credit was made and issued, and the greatest part of the former currency had been exchanged and commuted for new bills; and that their Excellencys, the Lords Justices, had been pleased to declare their disallowance of the said Acts; and that their Excellencys, the said Lords Justices, by their letter or order to Governour Nicholson, had thought fit to enjoyn, require, and direct him to propose to the Assembly of Carolina, to settle effectual funds for the speedy sinking and discharging such additional bills as had been issued by virtue of the Act above-said."

It was therefore enacted, That fifty-five thousand pounds, viz:—

Additional bills issued,	£40,000
Bills re-issued, instead of Rice Bills, which ought to have been sunk,	15,090

£55,000

consisting in 20, 15, 12 and 8 pound bills, should be paid from time to time, to the public receiver or treasurer for the time being, for duties only; and the treasurer was required to receive the duties in those bills, and no other; the duties appropriated for the payment of the Clergy's salaries, and for the Brick Church in Charles Town, only excepted; which bills so received, were to be burnt, once in six months, until

the whole sum of fifty-five thousand pounds should be called in and sunk.

This Act further directs, that the sume of eight thousand pounds, which remained to be called in on the Bank Act, should be paid to the commissioners in one of these species of bills; and that the remaining sume of fifty-three thousand pounds, and also, the sume of eight thousand pounds, due on the Bank Act, should be current in all payments, duties excepted.

By the Act repealed, there was issued, £120,000.

By this Act, are to be sunk by duties	-	-	55,000
Continued current of the old bills,	+	-	53,000
Continued of the Bank Bills,	-	-	8000

£116,000

Remaining, which seems to be improvided for, 4000

By the operation of this Act, there was, instead of sixty-three thousand pounds, only thirteen thousand five hundred pounds sunk; and in the year 1727, the effect of the sinking fund was suspended, and the money which had been collected, and was in the treasurer's hands, as well as the amount of that fund for two years to come, was applied to defray the charges of an expedition to St. Augustine, and fitting out a Privateer to guard the coast, according to the directions of an Act, passed on the 30th day of September, 1727, intituled "An Act for carrying on several expeditions against our Indian and other enemies, and for defraying the charges thereof," continued for two years from the time of passing the Act, and from thence to the end of the next session of the General Assembly; and by the same Act, the duty Act, passed 23d February, 1722, is continued for two years, and from thence until the bills made use of for those expeditions should be sunk and cancelled, so far as the said Act related to duties on negroes and liquors. Expeditions carried on in pursuance of this Act, amounted as follows, viz:

Captain Mountjoy, in the Sloop for guarding the coast,	£8,429, 3 s. 7d
Col. Palmer, against the Yamasee Indians	15,415, 3 s. 11d
Colonel Glover sent to the Creeks.	5,358, 3 s. 7d
Balance due on the Sinking Fund	9,157, 7 s. 6½d

£38,359, 18 s. 7½d

Raised by the fund. - - - 38,359, 18 s. 7½d

After his Majesty had purchased the soil of this Province, the late Governour Johnson was appointed, and received from his Majesty several instructions relating to the paper bills of credit; the first which relates to this matter, is to the effect following:

"Whereas, there is at present a certain Act in force in South Carolina, intituled "An Act for calling in and sinking the paper bills of credit," and part of the duties imposed by this Act is applicable for and towards the discharging and sinking the bills of credit now current in our said province. And it has been represented to us, that it would be a great incouragement for the more speedy and effectual settling the

said Province, if the Assembly were permitted, for the space of seven years, to apply the produce of such revenues arising from that Act as are now appropriated to the discharge of the old bills of credit, to the charge of surveying and laying out of townships, and to the purchasing of tools, provisions, and other necessaries, for any poor Protestants that shall be desirous to settle in our said Province.

“ We are graciously pleased to comply with the request of the planters and merchants in this particular, and you are hereby impowered to give your assent to a clause in some Act for suspending the first design of the aforementioned Act, and for applying the said sinking fund, for the space of seven years, to the purposes aforesaid. *Provided, always,* that the Assembly do pass an effectual law to answer the purposes of the foregoing instruction, for registering and regulating the future payment of quit rents, in the manner therein directed, and that the clause for the suspension be made part of the same law; but you are to take care that a particular and distinct account be kept of the money so applied, by an officer to be by you appointed for that purpose, who shall annually transmit the same, attested by you, to the commissioners of our treasury, and to our commissioners for trade and plantations, and shall be first audited by the auditor-general of our plantations, or his deputy for the time being.”

Under the countenance of this instruction, an Act was passed the 20th August, 1731, commonly called the quit rent Act, in which was a clause for suspending the effect of the sinking fund, established by the Act for calling in and sinking the bills of credit, for seven years; and another Act was passed at the same time, commonly called the appropriation Act, for applying greatest part of the produce of the sinking fund, for seven years to come, together with £40,000 which was in the treasurer's hands, and due to that fund before the instruction took place, for sinking and cancelling certain public orders which were issued by the same Act for payment of a debt due from the public, which had been contracted during the last four years of Mr. President Middleton's administration, during which time no taxes had been raised for the support of the government, amounting to £104,775, 1, 3½. And the same Act appropriated only the sum of £5,000 per annum, out of the sinking fund, for the charge of surveying and laying out townships, and purchasing tools and necessaries for such poor Protestants that might be desirous to settle in this Province; but this Act has since been in some measure corrected by an Act passed since Governour Johnson's decease, on the seventh day of June, 1735, intitled “An Act to provide a full supply for subsisting poor Protestants coming from Europe and settling in his Majesty's new townships in this Province; and for establishing a fund, by an annual tax on the inhabitants of this Province, for paying off and cancelling the remaining public orders which were issued in the year 1731.” By this Act, the whole produce of the sinking fund is applied for Protestant settlers; and the Act taking notice that about the sum of £31,000 in orders were then outstanding, a tax of five shillings per head is imposed

on all slaves in the country, and £1,600 to be paid by Charles Town, as an annual tax for sinking the said orders. This Act has since been punctually complied with, so that there is not above the sume of £22,000 now outstanding, which arises by a debt, secured by Act of Assembly, from the late treasurer.

This Act was continued for three years, and from thence to the end of the next session of the General Assembly. The appropriation Act also continued the duty Act made on the 23d February, 1722, intituled "An Act for granting to his Majesty a duty and imposition on negroes, liquors and other merchandizes, for the use of the public of this Province," for seven years from the passing of that Act, and from thence to the end of the next session of the General Assembly. There has been no session of the General Assembly which has commenced since the expiration of the time limited for the continuance of these Acts, till the present session of Assembly, so that all the said Acts will expire with this session of Assembly, as well the duty Act which establishes the sinking fund, as the Act which applied the produce of that fund to the charge of settling of Protestants in this Province. As these Acts will determine with the present session of Assembly, it is necessary to observe that Governour Johnson had another instruction to the effect following: 21st article of Governour Johnson's instructions. "And *whereas*, great inconveniencies have heretofore happened in South Carolina, from issuing large sums of paper money, without sufficient funds for the gradual repaying and cancelling the same; and *whereas*, as well merchants as planters have represented to us the absolute necessity that some paper money should be allowed to have a currency in our said Province, under proper regulations, as well for carrying on the annual services of our government, as for the daily circulation of trade amongst the inhabitants. Now, being desirous to promote the welfare of our people under your government, we have thought fit, and do hereby empower you to give your consent to an Act or Acts for establishing a new paper currency, upon such a foot as may best answer the necessity of the Province, and be most conducive to the public utility thereof; but you are to take care that a clause be therein inserted to suspend the execution thereof until our Royal pleasure shall be known thereon."

With some view to this instruction, there was passed, on the 20th August, 1731, an Act for calling in, reprinting and exchanging the paper bills of credit.

By the Act repealed by their Excellencies the Lords

Justices, in the year 1723, there had been stamped and issued,	£120,000
In pursuance of the Act passed 15th February, 1723, for calling in and sinking the bills, there was sunk,	13,500

Remains,	£106,500
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The Act last mentioned directed that the above sume should be barely reprinted and exchanged, but no fund was

appointed or established for the gradual repaying and cancelling the same, nor was there any clause inserted in this Act to suspend the execution thereof until his Majesty's Royal pleasure should be known thereupon.

So that, upon the whole, it may be observed that the sum of £106,500, issued by virtue of the Act last abovementioned, passed without restriction or limitation, either as to the value of the currency or the time it should continue, is the only legal paper currency in this Province, which is enforced as a tender in law in all payments; and as the several Acts which have been abovementioned, will, according to the tenor and effect of the respective Acts, determine with the present session of the General Assembly, the said currency will be without a fund to support it.

At the time of reprinting these bills, exchange was at 600 per cent advance, so that the value of these bills was equal to £15,214, 5s. 8½d. in money of Great Britain; but as the exchange is at present 700 per cent advance, the above sum is equal to no more than £13,563, 10s. in money of Great Britain.

An Account of the rates and prices of Gold and Silver Coins.

It appears on examination of the books of the most eminent merchants who traded in South Carolina in the year 1700, that Lyon Dollars and pieces of Eight were current at 5 shillings a piece, and the exchange given for sterling in the money of South Carolina was 15 and 17½ per cent advance. But on the 16th November, 1700, an Act was passed to raise the current coin of the Province, by which several species of gold and silver coin were made current at the rates following, viz:

Pieces of Eight, of fine silver, Mexico, Seville and pillar, weighing 13 penny weight, - - - - -	0 6 0
Do. 15 penny weight, - - - - -	6 9
Do. 17 penny weight, - - - - -	7 6
Ryals, - - - - -	9
Lyon Dollars, - - - - -	6 0
English Crowns, Rix Dollars, and French Crowns, -	7 6
Foreign gold, the penny weight, - - - - -	6 6

On the 1st March following, another Act passed to raise the current coin, and to preserve the currency thereof. By this Act the following rates are settled.

Spanish pieces of eight of fine silver, Mexico, Seville, pillar, weighing 12 penny weight, made current at 5s.; Double Ryals at 1s. 3d.; Single Ryals at 7½d.; all pieces of 8 of the aforesaid coin, weighing 13 penny weight, to pass at eight Ryals; weighing 14 penny weight, at 9 Ryals; 15 penny weight, at 9½ Ryals; 16 penny weight, at 10 Ryals; 17 penny weight, at 10½ Ryals; Lyon Dollars, 5s.; Peru pieces of 8, 13 penny weight, at 5s.; English crown, 12 Ryals; Rix Dollar or French Crown, 10½ Ryals.

Gold Coins.—Pistoles or Louis Dors, weighing 4 penny weight, £1 5s.; Arabian gold, 2 penny weight, 12s. 6d.; English Guineas, £1 12s. 6d.

But these Acts were soon after repealed, and were the last regulations that were attempted to be made in South Carolina, with respect to the currency of gold and silver.

Paper bills of credit were introduced in the year 1703, and gold and silver has for the most part been dealt for ever since

APPENDIX.

as a merchandize, and not as a currency in payments, or a medium of commerce; and according to the best accounts that can be obtained from the merchants's books and persons concerned in trade, it appears that in the Province of South Carolina, gold and silver has been sold in the respective years hereafter mentioned, after the several rates following, (that is to say,)

The advance given upon bills of exchange for money of Great Britain in these years. 1700, 15 to 17½ per cent.
1710, 50 per cent.
1720, 400 per cent.
1730, 600 per cent.
1739, 700 to 720 per cent.

The ounce of silver was sold in
the year 1700, at £0 7 6
1710, at 0 8 0
1720, at 1 7 6
1730, from 1 15 0 to 1 17 6
1739, from 2 2 6 to 2 5 0

The price of gold has been generally regulated in proportion to the value it would produce in sterling money. Thus, in the year 1730, when the exchange was at 600 per cent advance,

English Guineas were sold for £7 7 currency.

Pistoles, 5 10

Moedors, 9 9

And at this present time, exchange being 700 per cent advance, English Guineas sell for £8 8 currency.

Pistoles, 6 10

Moedors, 11 0



